

**New York State
AFL-CIO**



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FOR IMMEDIATE RELEASE: October 20, 1986

HUMPHREY'S CHALLENGE

December 8, 1986 marks the 100th. Anniversary of the official beginning of the American Federation of Labor. Forty-two delegates representing twenty-five organizations with a membership of over 300,000 met in Columbus, Ohio, on that date to forge a new organization which was to become the voice of American workers. A New York cigar-maker, Samuel Gompers, was to be its first President and another New Yorker, George Meany, a plumber, was to become the first president of its successor organization, the AFL-CIO, in 1955.

Throughout America's history, workers have toiled to build this nation. They have built our schools and skyscrapers, our bridges and buses, our furniture and our foundaries. They have fought in our wars, voted in our elections, raised their families and paid their taxes. And they have joined together by the millions, in trade unions, to protect and advance the interests of one another and of all working Americans.

It's a proud story. It's a story that reflects the very fabric of our history and our ideals as a nation. It's a story that former Vice-President Hubert Humphrey said, "needs to be taught in every school in this land."

Humphrey's challenge has been accepted by both the New York State Board of Regents in a 1981 resolution and by Governor Mario Cuomo in a proclamation issued this year that called upon "all members of the education community to recognize and include the

contribution of the American labor movement as an integral part of the school curriculum."

To assist the Regents and the Governor in implementing this important directive, the New York State AFL-CIO has launched a "Labor in the Schools" program and has declared the month of May as "Labor Studies Month." Working closely with AFL-CIO Education Department, a number of international unions and the state's central labor councils and local unions, the state AFL-CIO is encouraging teachers throughout New York to incorporate the contributions of workers and unions into their curriculum.

The goal is not to indoctrinate students but to ensure that labor's story is told fairly. Students have a right to know that the American labor movement fought for the establishment of free public schools for civil rights' legislation, for consumer protection, for Social Security, for safe and healthy workplaces, for tax justice and a variety of other goals that have earned labor the title "The Peoples Lobby."

Students should understand how the collective bargaining process works and how unions are organized. They should know about labor's involvement in community services, in our country's political process, and international affairs. They should explore and debate the issues confronting today's unions and their members. And, yes, they should be aware of the arguments of those who oppose unions.

For years, the curriculum ignored the role that minorities and women played in our nation's rich history. By and large, it still fails to tell the story of Mother Jones, A. Philip Randolph, Eugene V. Debs, or William Haywood.

Aspects of the American labor movement can be infused into virtually every subject and at every grade level. Materials are readily available from the AFL-CIO's Education Department, the State Education Department and through various catalogs of commercially available teaching materials.

The centennial of American labor is an appropriate time to begin implementing the policy statements of the Governor and Board of Regents and to meet Hubert Humphrey's challenge.

GARY HART
COLORADO

COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
BUDGET

United States Senate

WASHINGTON, DC 20510

October 17, 1986

*Refer to Committee
M. E. L.*

Mr. George E. Carpenter, Jr., Secretary-Treasurer
Massachusetts AFL-CIO
8 Beacon Street, 3rd Floor
Boston, MA 02108

Dear George:

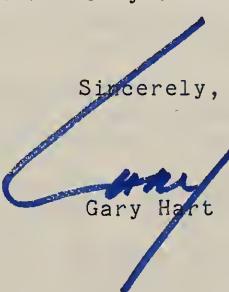
I want to take this opportunity to announce a very fortunate turn of events for my office in the United States Senate.

Dick Murphy has joined my Senate staff as a Special Assistant. As you know, Dick was the COPE and Legislative Director for the Service Employees International Union, AFL-CIO, and worked for that union for 22 years.

Dick brings wide experience in many legislative areas. He is charged with responsibilities for issues affecting the economy, trade, and worker's concerns. I am lucky to have Dick's advice. He is a forceful and intelligent advocate for peoples' rights, and you should not hesitate to contact Dick directly on these or related issues.

Please let us hear from you.

Sincerely,


Gary Hart

enclosure

A very faint, out-of-focus background image of a historical building with a prominent tower and a person in the foreground.

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GARY HART

Colorado

RIGHT FROM THE START: A RECORD OF PRIDE Hart Support for American Workers and American Jobs

Gary Hart's 12-year record in the Senate is one of active and consistent support for American workers and their issues: from minimum wage protection to double-breasting, from right-to-work to Davis-Bacon, and from unemployment benefits to Reaganomics.

But Gary Hart doesn't just play defense. In an often-hostile Senate, he has fought hard to increase job opportunities.

Gary Hart has fought to put America's tax money and America's muscle to work where America needs it: rebuilding roads and bridges, improving schools and training to renew America's competitive edge.

That's why COPE has scored Gary Hart's votes "right" better than four times out of five -- throughout his Senate career.

The 99th Congress: 1985 and 1986

Hart led the fight against the Gramm-Rudman budget law and stopped the transfer of ever greater power to the Office of Management and Budget -- David Stockman's old agency.

Hart opposed and stopped legislation that would let the Administration reneg on hard-won health and safety regulations.

Hart introduced a comprehensive trade reform bill to toughen trade sanctions and increase our industrial competitiveness.

Hart co-sponsored bills to protect workers from toxics on the job and to protect workers and their children from exposure to hazardous asbestos in schools and other buildings.

Hart voted to maintain Davis-Bacon and Service Contract Act protections as written for U.S. contracts.

Hart co-sponsored legislation restricting "double-breasting" -- a ploy used by union contractors to pay non-union wages.

Hart sponsored legislation to restore America's crumbling roads and bridges, enable states to pay for the work and revive related construction trades (the National Infrastructure Act).

99th Congress (continued)

Hart proposed, with Florida Senator Lawton Chiles, the Growth and Investment Initiative (\$17 billion to promote education, training, and economic development). And Hart won \$400 million in the 1987 federal budget for training programs -- a downpayment on the Growth and Investment Initiative.

Hart pushed three other bills increasing support for education and training (American Defense Education Act, National Individual Training Account Act, High Technology Morrill Act).

Hart spoke out in support of USX workers who have been locked out of their jobs.

Hart co-sponsored a bill correcting inequities in the bargaining rights of the International Federation of Musicians.

Hart backed bills to help working families (Family Day Care Provider Assistance Act, Business Meals to School Lunches).

Hart pushed legislation to improve federal job banks, and won improvements that are now being enacted.

Hart joined with labor organizations the world over in fighting the racist apartheid system in South Africa.

Hart provided key support for the tax reform effort, by defending the "Packwood-Bradley" approach on the floor of the Senate. Hart has supported the kind of reform that lowers rates, closes loopholes and taxes investment earnings just like wages. To hold the compromise together, Hart opposed all amendments -- resulting in his only two votes contrary to AFL-CIO positions.

The 98th Congress: 1983 and 1984

Hart introduced the Community Assistance and Revitalization Act to promote jobs and development in depressed communities.

Hart pushed for increased support for education, training and unemployment programs.

Hart proposed legislation to open foreign markets to American exports and report unfair trade practices.

Hart voted to protect laid-off workers from mortgage foreclosure or the loss of health insurance.

Hart endorsed legislation requiring industries to notify workers of plant closings in advance and assisting employes and communities that want to keep plants open on their own.

The 97th Congress: 1981 and 1982

Hart opposed all aspects of Reaganomics, especially the tax plan that resulted in the biggest federal deficits ever and the David Stockman assault on all health and education programs.

Hart supported aid to education, introducing a comprehensive education bill and voting for federal support in key areas.

Hart proposed a capital budget to highlight the benefits of public works and long term investment projects, and a tax expenditure budget to make clear the cost of tax loopholes.

Hart opposed a plan to apply a means-testing requirements as an obstacle to Medicare benefits.

Hart voted to protect union political rights.

Hart voted against the creation of a sub-minimum wage.

Hart voted to extend emergency unemployment benefits.

Hart voted against Social Security cuts for workers and their dependents.

Hart voted to protect jobs in the U.S. maritime industry.

The 96th Congress: 1979 and 1980

Hart was endorsed for re-election by the Colorado AFL-CIO and the National AFL-CIO.

Hart voted to maintain legal safeguards for the rights of migrant workers.

Hart fought attempts to roll back Davis-Bacon protections for workers on federal contracts.

Hart opposed attempts at national "right to work" legislation.

Hart worked for public service and public works programs to provide jobs for America's unemployed.

The 95th Congress: 1977 and 1978

Hart fought for labor law reform, voting six times to break an anti-labor filibuster of the most important labor law revisions since the Wagner Act of 1935.

Hart opposed efforts to deny food stamps to striking workers and their families.

Hart voted against creating red-tape obstacles to the enforcement of health and safety regulations.

The 94th Congress: 1975 and 1976

Hart supported union political rights.

Hart voted to protect Davis-Bacon protections for workers under federal contacts.

Hart voted with labor throughout the struggle over situs picketing rights.

BOSTON MUSICIANS' ASSOCIATION

LOCAL 9 - 535 A. F. OF M.

56 ST. BOTOLPH STREET • 536-2486 • BOSTON, MASS. 02116

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A. F. L. — C. I. O.

*Reb to
Commissioner
g.e.c*

October 20, 1986

Mr. George Carpenter, Sec.-Treas.
Mass. AFL-CIO
8 Beacon Street
Boston, Ma. 02108

Dear George:

Thank you for returning my phone call referring to the night of October 2, 1986, at the Boston Park Plaza Ballroom with regards to the situation of using non union musicians to back up Bobby Rydell.

You referred me to agent Bob Belisle. I called agent Belisle and we had a lengthy conversation about details leading up to the engagement. His main concern was to keep cost within a tight budget and that union musicians scale would cause him to lose the account.

Boston Musicians Local 9-535 always cooperated when called upon, such as, the successful show of Solidarity for the Greyhound Bus meeting at Copley Square and along with the Union Label Group by supplying music at no cost at the gift-giving luncheons at past conventions.

I'm sure that brother Cardinale can give you an update.

Local 9-535 is in full support of Solidarity. We agree with President Osborn and the platform of the Mass. AFL-CIO to buy and support American and Union products. I hope that includes using union musicians.

My Board of Directors are very upset about such an embarrassing situation taking place at the Mass. AFL-CIO State Convention.

Sincerely,

Al Natale, V.P., Local 9-535

cc:Arthur Osborn, Pres.
Steve Sprague, AFM, N.Y.





NABET 15 SPOTLIGHT

© 1986

October 20, 1986

NEXT MEMBERSHIP MEETING

The next scheduled membership meeting of the NABET 15 Boston/NE Section will be held on Saturday, October 25, 1986 from 9:30 until noon. The meeting will take place at local 26 of the Hotel and Restaurant Workers Union, 62 Berkeley Street, Second Floor, in Boston's South End.

Business Manager John Van Eyck and President Martin Bernstein will both be joining us for the meeting. Given all the activity and growth in our Section, we're especially pleased to have them joining us. The future direction of our Local Union and our Section will be a major topic of discussion. Please plan to attend!!

NINE LOCAL COMPANIES FORM TRADE ASSOCIATION

As many of you may already know, nine area production companies have joined together to establish a trade association. Their purpose is to increase the business for Boston's commercial production companies, undertake a feasibility study on additional sound stages in Boston and try to stem "runaway" commercial production. Yale Marc of Cinemographics has been elected president of the group.

The companies involved are Steve Sanger Productions, Videocom, Century III Teleproductions, Cinemographics, Spotwise, Aydelott Associates, September Productions, Active Video and VizWiz.

NABET '15 members have many similar interests with the Association, the most important of which being the continued growth of the New England production scene along with a stabilization of the labor scene through Agreements with our Local Union.

Toward that end, our Union has made a proposal to all nine of the companies for an Agreement that both sides would be comfortable with. This is a most important development and will be one of the big topics on the agenda at the October 25th meeting. It affects your future in this business. Don't miss the meeting!!

GOT ANY COMPLAINTS ABOUT THE FILM BUREAU?

B. A. White will be having a meeting soon with Michael Dick of the Mass. Film Bureau. In an effort to sort out past problems, it would be most

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS

8 THAYER STREET, SUITE 2B, BOSTON, MA 02118 (617) 350-7921

helpful if you brought your complaints (if any) or suggestions to the October 25th meeting. That way, B.A. White will be able to express the feelings of the membership. The Film Bureau and NABET 15 should have a good relationship with each other. They need to know how we feel about things.

HALLMARK HALL OF FAME SLATED FOR BOSTON, VANCOUVER

B. A. White has had two meetings with a representative of Marian Reese & Associates from Los Angeles regarding a Valentine's Day TV movie. It is scheduled to be shot in November.

Apparently, the company has decided to shoot the bulk of the movie in Canada, but a second crew will pick up several scenes here in Boston. Initial indications were that the second crew might consist of as many as 26 people. B. A. White is attempting to have NABET members crew the entire shoot locally, which would consist of 3-4 days. The company initially agreed to pay Pension & Welfare and sign an Agreement, but nothing's written in stone yet (is it ever?). The budget puts this movie into the "low budget" category approved by the Executive Board earlier this year which means the possibility of working slightly below the feature scale in exchange for all NABET people.

If you get called by Marian Reese about the movie, please do your best to arrange your schedule for the job. This company has heard a lot about the quality of our people. If we can work out a deal, it's important we supply them with a crew. Also, call B.A. White if you get called.

SETTLEMENT REACHED IN "DEADLY FORCE" DISPUTE

There's one thing that's almost certain in labor relations: if there is any kind of dispute between labor and management, companies like to delay and delay, hoping the Union members will get tired of waiting and will eventually give up.

It didn't work on "Deadly Force." After several requests by Telecom Entertainment to delay the arbitration over the issue of hazardous duty pay, the date was set and it became clear the Union was determined to get our folks some dough. So, prior to the arbitration, a settlement was reached which provides hazardous duty pay to ten individuals who actually performed work on top of a roof. The individuals in question shall receive in the neighborhood of \$300 each.....not all of the money the Union felt they were owed, but considerably more than the \$0.00 that Telecom felt they were entitled to. The editor of Spotlight doesn't have the names available. But letters and checks will go out from the Union office as soon as possible.

ABOUT THOSE TEMPORARY UNION CARDS.....

Some of you have asked about your temporary NABET 15 card. Because you pay your dues on a quarterly basis, you will receive your card for the

current quarter after you have paid your dues. The Local's Accounting Department sends out quarterly statements as a reminder that you must pay dues. Please be prompt in making your dues payment.....the office will be as prompt as possible in getting your card to you.

LOCAL PAYROLL SERVICE SIGNS WITH NABET 15

American Residuals & Talent, the local payroll service, has signed a contract with NABET 15. This marks the first time such a service has been made available to area companies that have signed on with us.

Under A.R.T. guidelines, only those companies which have signed an Agreement with NABET 15 will be able to make Pension & Welfare payments on your behalf through the payroll service. When a company uses the payroll house, you will also have Unemployment, Workers Compensation and Social Security contributions made on your behalf.

We are pleased that American Residuals & Talent have expanded into the payroll business for crew members. A.R.T. has been providing services to members of AFTRA and SAG for a number of years. If you have any questions about how the payroll service works, please call the Union office.

"BOSTON FOR THE WORLD" PENSION & WELFARE

If you were part of the crew for the "Boston for the World" rock video shot a few months ago (VizWiz was the production company) please indicate you worked that job on your most recent P&W correction form.

There was, apparently, a mix-up at the Union office in New York when the signed Limited Letter of Agreement arrived.....the LOA never got to the Pension & Welfare office. That's why there was no record of the job on your P&W listing.

And while we're on the subject, if you have a discrepancy on your P&W form, you can double check with B.A. White as to whether a particular company signed an agreement for a particular job. She keeps all of the Agreements on file. Pension & Welfare is too important to let a day or two slip by now and then.

SO YOU THINK YOU'RE GETTING P & W?
YOU'D BETTER DOUBLE CHECK

You're booked on a job. You know someone else who is also. You thought he was going to call the job in. You figured you didn't have to. Or, you know this particular company has paid P&W in the past under a Limited Letter of Agreement. You're assuming the company has signed another LOA. You're assuming you'll be getting Pension & Welfare for the job.

Then you get your P&W statement at the beginning of the next quarter. There are about 6 days you didn't get credit for. You call up the Business Agent and scream. You find out the companies didn't sign anything.

The companies had not been asked to pay P&W because nobody ever called the job into the Business Agent.

All you need is 16 days per quarter. Get the message? If you don't know who the company is, ASK. Then check the enclosed listing to see if the company has signed anything with the Union.

BOSTON/NE MEMBERSHIP LIST GOES TO COMPANIES WHO'VE SIGNED

The enclosed "green pages" comprise the latest list of companies that have signed either contracts or long-term Letters of Agreement with NABET 15. There are no firms listed who have only signed Limited LOA's.

The listing is important because you can now know, by taking a quick peep, which out-of-town companies have signed with us. If the firm is on that list, you know they've signed a long-term Agreement and have agreed, therefore, to pay your Pension & Welfare and abide by the standards set forth in your contract.

All of those companies will be receiving the very latest run-down of the Boston/New England Section membership according to category. The list is updated regularly, and also lists your telephone number. This will make it very easy for these out-of-towners to contact you when they plan on coming to town.

Please remember, too, that these companies must pay you directly, and that you should fill out a time card at the completion of the job. Because these firms have signed with us, we intend to enforce our contract with them.....which also means you should be paid within seven days after completion of the job. Any questions, or problems, call B.A. White.

NABET JACKETS HERE, HOT AND AVAILABLE

You've heard the talk. Now, it's time to see and order the real thing. Two styles of NABET jackets are now available....a black, 3-season jacket at \$145.00 or a royal blue satin light jacket at \$80.00. The pictures sent up from New York won't xerox very well. We're going to try and get a sample of each up for display and modeling in time for our October 25th meeting (now that should guarantee your attendance).

I can see it now.....shooting outside, on the Boston Common, a crew of 15. Everyone has on their NABET jacket!! Let the I.A. eat their emulsion.



Human Resources Development Institute

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
NATIONAL OFFICE: 815 16th STREET, N. W., WASHINGTON, D. C. 20006 (202) 638-3912

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Executive Director

Michael G. McMillan

October 16, 1986

MEMORANDUM

TO: State AFL-CIO Principal Officers

FROM: Michael G. McMillan

Michael G. McMillan

The United States Congress recently passed amendments to the Job Training Partnership Act. Although these amendments were characterized as "technical" in nature, there are certain key amendments which could have significant impact on labor-involved JTPA programs.

The AFL-CIO Human Resources Development Institute has prepared the attached analysis of these amendments most of which will take place immediately. Also, enclosed for your information is a copy of the actual legislative language and the committee report.

I hope you will find the enclosed information useful. Should you have any questions, please contact the HRDI Regional Coordinator assigned to your area as identified on the attached list.

MGM/sjm
opeiu #2, afl-cio

Enclosures



1986 Amendments to the Job Training Partnership Act Affecting Organized Labor

Prepared by
AFL-CIO Human Resources Development Institute

October 1986

The House and Senate recently enacted amendments to the Job Training Partnership Act. Although characterized as "technical" in nature, there are certain amendments which could have substantial impact on labor involved programs.

The following is a description of the most important amendments affecting organized labor and labor-involved programs. Unless otherwise noted, the amendments will take effect immediately. Notes of special interest to organized labor are bolded.

1. Hold-Harmless Distribution of Funds to SDAs

JTPA grants under Title IIA (Programs for Economically Disadvantaged Adults and Youth) and Title IIB (Summer Youth Employment Programs) must be distributed to assure that each Service Delivery Area receives at least 90% relative share of its average allocation over the two preceding years. Of course, if the state itself sustains a reduction, the SDA's share would be commensurately reduced. This amendment will apply to Program Year 1987 funds distributed July 1, 1987.

This amendment should provide a more stable funding base for SDAs affected in recent years by radical funding shifts and is intended to give Title IIA and Title IIB labor-operated programs more stability in funding as well.

2. Use of 6% Setaside

There are actually two amendments affecting the use of 6% funds:

The first amendment drops the restrictions which allowed technical assistance to be given only to underperforming SDAs. By dropping this restriction, this amendment allows funds to be used to provide technical assistance to all service delivery areas. In the summary contained in the Congressional Record, the House and Senate Committees wanted to "clarify that technical assistance means activities directly related to program performance, including preventive technical assistance." Such language should provide the legal reinforcement many labor/JTPA coordination programs need to sustain funding under the 6% setaside.

The second amendment affecting the 6% setaside permits the use of these funds to gather follow-up information on participants who have been terminated from the program. Depending upon the expenses incurred, this could have a negative impact on other labor-involved programs funded with 6% monies.

3. Identification of Dislocated Workers

The amendment expands the definition of a dislocated worker to include the self-employed as well as farmers.

4. Residency Requirements for Dislocated Workers

Previously under JTPA Title III, dislocated workers who resided out-of-state could be served only after lengthy and often complex interstate agreements were established. This amendment will allow workers to be automatically eligible for service by the state in which they worked regardless of residence.

5. Prohibition of Match on Secretary's Title III Discretionary Grants for Dislocated Workers

This amendment was enacted after the difficulties experienced by many states in furnishing a 2-for-1 match under the special steel, copper and footwear programs established with Title III discretionary funds. It specifically prohibits the Secretary from requiring states to match discretionary grant funds. This should enable many labor-involved programs to seek discretionary funds through their respective states without the burden of meeting match requirements.

6. Youth Programs

There were a number of amendments passed affecting youth programs, including:

- A. SDAs are now required to establish a remedial education component in their summer youth program which would assess the reading and math skill levels of participants and establish written goals and objectives for remediation. SDAs are free to decide on the amount spent for remediation as well as funding sources, including JTPA and non-JTPA funds.
- B. Since many school districts now operate year-round programs, Title IIB funds can now be spent during the "regular vacation time of the student," whether or not it occurs in the summer.
- C. Costs of services to 14- and 15-year olds can now be charged against an SDA's 40% youth expenditure requirement.
- D. A portion of the 8% education setaside funds are now required to be used for literacy, drop-out prevention and school-to-work transition programs. No specific percentage was defined.

7. Services to Veterans

- A. Veteran's organizations must be a service provider under the 3% setaside for older workers.
- B. Veterans' needs are to be taken into consideration in setting performance standards, the joint funding of programs with the Veterans Administration, the operation of 8% education programs, and petitions for waivers of support services cost limitations.

✓

October 14, 1986

Dear Labor Leader:

The Labor Health Steering Committee will be meeting on Thursday morning, Nov. 13, at the Plumbers Hall, Local 12, in Boston, in order to learn about opportunities for saving money on health care costs through participation in mail order prescription drug programs. We'll also be discussing possibilities for arranging discounts at community health care health centers for union members who use the centers. If your union or Taft-Hartley fund is concerned about reducing health care costs, this is a meeting that you should try to attend. Meetings are open to all union members.

As you may have heard, the Health Planning Council has been hit very hard by recent Federal cutbacks. The Council is an important resource for all working people who are trying to gain access to affordable health care. If you haven't done so already, I encourage you to write to Governor Michael Dukakis, in order to push for state support for agencies like the Health Planning Council.

If you have any questions about the Nov. 13 meeting, telephone Bob Murphy or Lloyd Williams at the Health Planning Council. Telephone: (617) 426-2022. Also, I would appreciate it if you would take a few seconds to complete and return the attached questionnaire. Let us know about the kinds of programs that you want the Committee to develop in the future.

Fraternally yours,

✓
Joseph Joyce
Co-Chairman
Labor Health Steering Committee

JJ/jls
Enclosures

C

Committee for a National Health Care Referendum

October 20, 1986

Mr. Arthur Osborn
President
AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Arthur,

I am in receipt of your letter to David Danielson dated October 16, 1986. As no copy of the letter to which you were responding could be located in the office I called John to discuss the matter with him.

Please accept my apologies that anyone affiliated with this campaign has suggested that you have not been solidly supporting this effort or that you have not used the resources of your organization to give much needed assistance to the campaign.

Although you and I have never spoken directly I am aware of all that you have done on our behalf to assist in freeing up and raising money for a radio buy on this issue the last ten days before the election. Through your assistance and that of a number of people in Washington, particularly John Sweeney, we will be able to, I believe, reach a very large number of voters with some very effective spots.

I regret that anything other than a letter of thanks has been sent to you and I look forward to continuing to work with you to move this critical issue forward.

Many thanks for all you have done and are continuing to do.

Best regards,



Vivienne Simon
Political Director

P.S. I'm sorry about the lack of union bug - we were given an in kind contribution of copying from a supporter early on in the campaign and had all of our letterhead done for free. However, we'll do better with future printing needs!

HEALTH PLANNING COUNCIL FOR GREATER BOSTON, INC.

HAND DELIVERED

October 10, 1986

John O'Donnell
Program Director
Determination of Need Program
Department of Public Health
150 Tremont Street, 8th Floor
Boston, Massachusetts 02111

Dear Mr. O'Donnell: Re: Project #4-3471

Our letter of October 7 to you regarding our review of the Lahey Clinic application implied a request for an extension of time to review the application. In case that message was not clear, we are requesting an extension of time as outlined in our letter.

Sincerely,

Paul W. Donahue, Jr.
Charles L. Donahue, Jr.
Executive Director

Charles L. Donahue
Executive Director

CLD/jls

cc: Applicants

Ten Taxpayer Groups (for Lahey Clinic)

Mary Ann Hart, Executive Office of Human Services

John Chapman, Rate Setting Commission

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

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Owen Bieber
Morton Bahr
Milan Stone

Murray H. Finley
Edward T. Hanley
Kenneth T. Blaylock
William H. Wynn
Joyce D. Miller
James E. Hatfield
Vincent R. DiPietro
Mark A. Boede
John T. Joyce
Larry L. Dugan, Jr.
Gene Upshaw

October 8, 1986

TO: PRINCIPAL OFFICERS OF STATE FEDERATIONS AND LARGER CITY CENTRAL BODIES

Dear Trade Unionist:

As you know, the AFL-CIO Executive Council has endorsed a boycott of the products of Shell Oil Company as part of the federation's program of assistance of black South African trade unions in their fight to end apartheid. The AFL-CIO is working on this action in coalition with many affiliates and with the United Mine Workers in the National Labor Shell Boycott Committee.

You have already received the first two editions of the newsletter, *Boycott Shell Bulletin*, which is being produced under the auspices of the committee.

If you would like to receive this bulletin in quantities for your own use, the AFL-CIO will supply them to you at no charge in bulk quantities of up to 200 copies.

To order the bulletins, please call this office at (202) 637-5283.

Fraternally,

Charles McDonald, Director
Department of Organization and
Field Services


HEALTH
 PLANNING
 COUNCIL
 FOR GREATER BOSTON, INC.

PROJECT EVALUATION AND REVIEW: STAFF ANALYSIS

<u>APPLICANT:</u>	Lahey Clinic Hospital, Inc. d/b/a Mary and Arthur R. Clapham Hospital	<u>APPLICATION TYPE:</u>	DON Regular
<u>LOCATION:</u>	41 Mall Road P.O. Box 541 Burlington, MA 01805	<u>CAPITAL EXPENDITURE:</u>	150-bed Proposal: \$29,270,305 87-bed Proposal: \$20,779,975
<u>SUBMITTAL DATE:</u>	September 1, 1983	<u>OPERATING COSTS:</u>	150-bed Proposal: \$18,292,148 87-bed Proposal: \$14,675,420
<u>DPH PROJECT #:</u>	4-3224	<u>TEN TAXPAYER GROUPS:</u>	Choate-Symmes Health Services Lowell General Hospital Donna Gugger
<u>METRO:</u>	Northwest		

I. PROJECT SUMMARY

The Lahey Clinic (LC) proposes to expand its inpatient capacity through major new construction and minor renovations. The application as originally submitted in September, 1983 requested 150 medical/surgical (M/S) beds. Subsequent to inquiries and discussions with HPCGB staff, the applicant has presented a compromise bed proposal for 87 M/S beds. The LC states that the 87-bed proposal is being submitted in recognition of the "overbedding problem in Massachusetts, the high medical costs per case in the state and the conviction among payers, business, the press and consumers that something must be done." The remaining 63 beds would be requested upon closure or conversion of that number of beds in the state's health care system. The LC still maintains, however, that its own institutional need remains 150 beds. Staff's analysis will focus on the applicant's latest proposal for 87 additional M/S beds.

The existing and proposed bed configurations are as follows:

<u>Beds</u>	<u>Existing</u>	<u>Proposed</u>	<u>Increase</u>
Medical/Surgical	184	260	76
Progressive Care	0	7	7
Intensive Care	16	20	4
TOTALS.....	200	287	87

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

Officers	President Lewis W. Pollack	Vice Presidents Phyllis J. Miller, R.N. Alan Sager	Treasurer Gregory Bulger	Secretary Louis A. Elisa, II	Executive Director Charles L. Donahue, Jr.
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The LC also proposes to construct the following:

- four (4) operating room suites for a total of 15; and
- additional space for support and selected clinical services.

The applicant is also requesting to establish a cardiac surgery program at the Lahey Clinic site in Burlington. LC physicians now perform these procedures at the New England Deaconess Hospital in Boston.

A total of 93,590 gross square feet (GSF) is to be constructed and 3,800 GSF is to be renovated.

A net increase of 263.28 FTE's is projected (see Appendix 1 for staffing allocation).

The proposed capital expenditure is \$20,779,975. Associated operating costs are \$14,675,420. The project is to be financed through an FHA loan and by internal sources (see Appendix 2 for detailed costs).

II. BACKGROUND

A. Existing Facility

On May 9, 1972, the Public Health Council approved the construction of a 200-bed hospital by the Lahey Clinic in Burlington, MA. Need was determined for an ambulatory service with not more than two supervoltage machines and educational, research and supporting services. Need was not determined for inpatient pediatric or maternity services. The Determination of Need was issued subject to several conditions; two of which state the following: 1) Lahey Clinic Foundation will cease operation of the Brooks Hospital and terminate admitting patients to the New England Baptist Hospital and the Hahnemann Hospital once Lahey Clinic opened at the new site in Burlington, MA. and arrange with New England Deaconess for use of not more than 150 beds; and 2) use of clinic sites in Boston and radiotherapy facilities in the Massachusetts Institute of Technology will be discontinued once new hospital opens in Burlington. In November of 1980, the Medical Center opened its 200-bed facility in Burlington, MA. A 1982 DON application submitted by the LC to add 150 beds was denied by the HPCGB, the DON staff and the Public Health Council.

B. Current Services and Utilization

The Lahey Clinic Medical Center is composed of two corporate entities, the Lahey Clinic Hospital, Inc., d/b/a the Mary and Arthur Clapham Hospital and the LC Foundation, Inc., a multi-specialty medical group practice research and teaching entity, d/b/a the Charles A. Dana Ambulatory Care Clinic. The physicians of the group practice are salaried employees of the LC Foundation, Inc., and serve as the medical staff for the Lahey Clinic Hospital. The Lahey Clinic Foundation, Inc., another corporate entity, is the fundraising arm and manager of the endowment funds of the Medical Center.

The LC states that it "does not seek to be a community hospital. If it did, it would run the risk of duplicating the medical care now provided by area physicians and hospitals like Choate-Symmes, Emerson, and New England

Memorial." The LC would rather continue its plans to treat its current mix of specialty patients. This mix of specialty cases is reflected in the high case-mix of 1.29. This case-mix is very similar in "tertiary-ness" to the Boston teaching hospitals, and significantly different from the clinical mix at the community hospitals. Specialty services provided includes gastroenterology, cardiovascular, pulmonary, rheumatology, endocrinology, oncology, nephrology, hematology, neurology, psychiatry, neurosurgery, optometry, otolaryngology, plastic surgery, radiation therapy, etc.

The Lahey Clinic Medical Center (Lahey Hospital and Ambulatory Care Clinic) serves a wide and varied patient population making it a regional and national resource. Inpatient statistics for 1983 show 76% of LC's patients from Massachusetts and 24% from out-of-state. (See Appendix 3 for inpatient and ambulatory patient origin data.)

LC has relationships with other hospitals for inpatient care as follows:

Obstetrical Care	- Mount Auburn Hospital, Melrose-Wakefield Hosp.
Rehabilitative Care	- New England Rehabilitation Hospital
Psychiatric Care	- Arbour Hospital, Bournewood Hospital, Choate-Symmes Hospital
Pediatric Care	- Children's Hospital
Retinal Cases	- Massachusetts Eye and Ear Infirmary
Medical/Surgical Care	- New England Deaconess Hospital

During the past two years, the LC has begun the following initiatives to strengthen its role as a regional resource as well as working with medical resources in the region north of Boston, along Route 128, providers in the Merrimack Valley and on the North Shore, and to Southern New Hampshire and Maine:

1. Working with Choate-Symmes Health Services and Winchester Hospital in organizing a regional Advanced Life Support (pre-hospital emergency care) system;
2. Working with eight (8) area hospitals in developing a Magnetic Resonance Imaging (MRI) service at the LC site with shared operational control by the participating hospitals;
3. Establishing a network of more than 90 physicians and hospitals in the region that will have access to the LC's lithotriptor device (second in the state);
4. Formally invited community physicians to take advantage of Lahey's educational programs and to encourage the utilization of Lahey for tertiary care (approximately 20 interested letters have been received by LC);
5. Development of a kidney transplantation program at the Burlington site (formerly performed by LC physicians at the New England Deaconess Hospital);
6. Initiated a research program in pancreas transplantation;

7. Requested to be considered by the Community Hospitals of Eastern Middlesex (CHEM) hospital group to provide radiation therapy and other clinical support to CHEM's proposed freestanding radiation therapy center; and
8. Meeting with HSA officials from the Merrimack Valley Health Planning Council to discuss what the LC can do to build an efficient regional health system and hosting the eight-hospital Merrimack Valley Hospital Council.

Historical medical/surgical (M/S) and intensive care occupancy rates are as follows:

	Percent M/S	Percent ICU
1981	92%	59%
1982	95%	76%
1983	98%	85%
1984	97%	81%
1985	95%	79%

LC jointly sponsors a Health Maintenance Organization (HMO) with Blue Cross and Blue Shield of Mass. Beginning in February 1986, the elderly can enroll in the Lahey HMO. Enrollment data for fiscal year (FY) 1981-86 is as follows:

FY 1981 - 3,300
1982 - 8,250
1983 - 15,000
1984 - 20,167
1985 - 25,833
1986 projection - 34,000

Enrollment figures are based on the average number of members in any given month.

III. THE LAHEY CLINIC MODEL OF CARE

The applicant throughout its application and additional information emphasized the efficiency and effectiveness of the Lahey Model of Care. The LC's Model of Care is "a team of experts with advanced training, sophisticated equipment, and confidence in and knowledge of each other's skills. They work together to bring the best care possible to the patient at hand... Much of Lahey Clinic's technical strength, as well as its ability to produce consistent, efficient, high quality care, is due to the model in which staff members, once inducted, work as interdependent team members." This team of physicians working in a single Clinic building where outpatient and inpatient activities are in close proximity also contributes to the LC's efficiency.

The LC cites the following as evidence of its efficiency:

1. Average length of stay at the Clinic is 20% shorter than at other institutions for the same cases;
2. A recent independent review of the appropriateness of the Clinic's use of its inpatient beds, conducted by the Health Data Institute (HDI) in Newton and jointly funded by the Clinic and the HPCGB, found that only 5% of the admissions were identified as unnecessary, a rate below the 20-50% found elsewhere and that 9% of the Clinic's inpatient days were identified by the protocol as unnecessary as opposed to the 24-60% found elsewhere;

3. Overall cost per discharge at the LC is among the lowest of the major Boston hospitals (comparative costs in Appendix 4); and
4. Hospital utilization of the HMO for 1983 show 339 days per thousand vs. the Massachusetts experience of 700 days per thousand for fee for service patients. The LC's reluctance to use hospital days unnecessarily applies to the clinic's non-HMO patients as well.

Staff has updated the HMO utilization data provided by the applicant for the Lahey HMO and the Harvard Community Health Plan (HCHP) HMO. According to the Division of Insurance, 1984 data, utilization of the Lahey HMO and HCHP was 405 hospital inpatient days and 363 inpatient days respectively. Based on this updated information, it appears that the HCHP HMO which has inpatient arrangements with other hospitals is comparable in efficiency to that of the Lahey HMO.

Staff also notes that according to the Division of Insurance data, the Massachusetts experience is reported to be down from 700 days to 620 days per thousand, suggesting that hospitals, overall, are becoming more efficient in "doing business."

The LC states that "it is not asking the Health Systems Agency and the State DON office to endorse or propagate the Lahey Clinic Model. The Clinic is asking only that those bodies try to accommodate the Lahey model in their deliberations, as the Clinic has done in proposing a compromise, phased plan for the needed beds in response to questions and suggestions from the HSA."

Staff notes that the evidence presented by the applicant of its efficiency are acceptable measures and thus finds LC to be operating efficiently. However, a question that arises here is how much "weight" should be given to this finding of efficiency in evaluating the need for additional beds. Should hospitals be granted additional beds simply because they are operating efficiently? According to DPH policy, "a hospital should not be given additional beds as rewards for its efficiency and competitiveness, particularly if there are excess beds (current and projected) in the area and region." Rewarding beds based on efficiency could "set" an undesirable precedent. Staff maintains that the need for additional beds should first be established and then other factors, i.e., whether existing beds are being used appropriately, cost of providing services, etc. taken into consideration.

IV. LAHEY CLINIC'S RATIONALE FOR PROPOSED SERVICES

A. Medical/Surgical Beds

Although the applicant's 87 bed proposal includes some number beds for anticipated growth in the Lahey HMO, it is not the primary reason for their request. The Lahey HMO currently uses only 10 inpatient beds on any given day. The Clinic's current proposal is based on the current strain placed on the hospital's existing inpatient capacity by its traditional, multi-specialty patient mix. The Clinic states "the 87 beds are to ease the terrible pressure for admissions caused by the needs of the Clinic's traditional, very sick specialty patients, many of whom need major surgery."

The LC presents the following as justification for an increase of 87 M/S beds at its Burlington site. The LC's rationale is based primarily on its institutional needs rather than on a regional need. However, as previously mentioned the applicant's request for 87 M/S beds rather than their original request of 150 M/S beds is presented as their way of recognizing and responding to a regional and statewide excess of M/S beds.

1. The traditional bed need formula yields a need for 75 additional M/S beds at the Lahey Clinic. The subarea (Northwest Metro) in which the Clinic is located has a need for additional medical/surgical capacity since only 92% of the need has been met according to the listing of Unmet Need under the state's Budget Guidelines.
2. For the past two-three years, the LC has run at 97-98% occupancy and at times patients are unable to be placed in a room.
3. The LC has had to, on several occasions, close its Emergency Department to incoming ambulances due to a lack of available beds or overcrowdedness.

According to a recent survey conducted by the HPCGB, other hospitals in the area surrounding the LC have also had to close their emergency rooms. These hospitals formulated plans for dealing with this situation, which is usually short term. None of these plans include a need to request additional beds. Most often a hospital notifies the ambulance services and hospitals in the area and patients are redirected to other hospitals. Other hospital plans include preventing a situation in which they have to close their emergency room by placing patients at lower acuity levels in other facilities in the community, leaving that hospital with the flexibility to handle emergency situations. Choate-Symmes has submitted a proposal to the LC that would respond to the forced closure of LC's emergency room. To date, Lahey has not responded to this proposal.

4. Timely scheduling of patients requiring major brain surgery, cancer procedures, or orthopedic procedures cannot be done due to the existing inadequate number of beds. Additional beds are needed also to meet the inpatient needs of the increasing number of ambulatory patients, a percentage of whom will undoubtedly need such services.

B. Intensive and Progressive Care Beds

The applicant is requesting that seven (7) of the 87 proposed M/S beds be used for progressive care and four (4) for intensive care.

The formula adopted by the State to determine the need for intensive care beds (ICU) is as follows:

ICU/CCU Bed Needed = $p \times$ projected 1990 M/S Bed Need

Where: $P = 0.05$ for non-tertiary institutions
 $P = 0.08$ for tertiary referral institutions

Given the Clinic's role as a tertiary, referral center, ICU bed need would normally be calculated using .08. However, the applicant asserts that 10% is more the norm than 8%. Applying 10% to the applicant's proposed complement of 276 yields a need for 27 ICU beds. The applicant currently has 16 ICU beds; therefore a need for eleven (11) additional beds are needed at the LC. The applicant is requesting that these 11 beds be allocated as follows: four (4) ICU and seven (7) progressive care (PCU). The 7 PCU beds requested would meet the needs of those patients requiring less intensive type care but more than the level of care provided in a routine M/S beds. The LC currently uses four (4) of its M/S bed complement as PCU beds.

C. Operating Rooms

The LCH currently has eleven (11) operating rooms - 9 regular rooms and 2 cystoscopy/minor surgery suites. The applicant proposes to construct four additional operating rooms for a total of fifteen (15) rooms.

The applicant justifies this increase in operating room capacity on approval of the proposed increase in M/S bed capacity, the addition of a cardiac surgery program, and the high overall utilization rate of the existing rooms.

D. Cardiac Surgery Program

The following are cited by the LC as reasons for their request to establish a cardiac surgery program at their Burlington site:

1. Establishing a cardiac surgery program at the site in Burlington is not a new service, but a transfer of an existing service. As evidence that it is not a new service, the applicant states that LC physicians last year (1984) performed 102 cardiac procedures and 192 thoracic procedures at the New England Deaconess, LC physicians have experience and have already achieved superb results, the transfer would not increase cardiac surgery capacity, and the transfer would not add substantial operating costs to the system. The LC anticipates a cardiac surgery volume of 150 cases per year, sufficient volume to maintain a quality program. The applicant also cites references which indicate that quality care can also be achieved with a smaller volume program (even as low as 100-125 cases).
2. Statistical information provided by the applicant show that the LC has had outstanding clinical results in its cardio-thoracic surgery program.
3. The LC is currently the only tertiary cardiac program in Massachusetts (with a teaching program) that does its own cardiac surgery at a site in another city 18 miles away.
4. The initiation of cardiac surgery at the LC does not establish a precedent of cardiac surgery at community hospitals.

5. A cardiac surgery program is consistent with LC's role as a regional tertiary and specialty center North of Boston.
6. A cardiac surgery program at the LC responds best to interests of patients with severe or unstable heart disease since patients will not have to be transferred by ambulance some 18 miles to the Deaconess after catheterization, patients can be followed-up by their primary clinic physician, and the use of newer non-surgical approaches for appropriate patients is inhibited. Each transfer costs \$650 exclusive of nursing care hours. Total costs to patients in 1984 were: \$650 x 32 patients = \$20,800.

APPENDIX 1

PROPOSED STAFFING
87-BED PROPOSAL

<u>COST CENTER</u>	<u>INCREASE (FTE'S)</u>
Administration	18
Purchasing	3
Pt. Acctg. & Inpt. Admitting	9
Plant Maintenance and Repairs	8
Security	2
Laundry and Linen	1.50
Housekeeping	9
Cafeteria	2
Dietary	8
Central Services and Supply	8
Pharmacy	5
Medical Records	5
Medical Care Review	2
Social Services	1
Surgery	13
Recovery Room	6
Anesthesiology	3
I.V. Therapy	2
Laboratory	21
Electrocardiology	1
Cardiac Catheterization	.75
Diagnostic Radiology	8
Respiratory Therapy	1
Pulmonary Function	.50
Electroencephalography	.50
Physical Therapy	2
Occupational Therapy	1
Renal Dialysis	2
Medical-Surgical Acute	108.20
Intensive Care	<u>19</u>
 TOTAL.....	 270.45

DECREASE (FTE'S)

OTHER COST CENTERS	7.17
NET INCREASE	263.28 FTE's

Lahey Clinic 87-Bed Compromise

Costs associated with this proposal is as follows (November 1985 revision):

1. Capital Expenditure = \$20,779,975, itemized below:

Construction Contract	\$12,128,355
Major Movable Equipment	3,826,709
Site Survey/Soil Investigation	15,000
Architectural Cost	909,627
Pre-filing Planning and Development Costs	59,000
Post-filing Planning and Development Costs	35,400
Construction Manager	<u>606,418</u>
Subtotal Construction Costs.....	\$17,580,509
Net Interest Expense During Construction	2,285,466
Mortgage Insurance	<u>914,000</u>
Total Capital Expenditure.....	\$20,779,975

2. Financing

The applicant anticipates an FHA loan for \$16,623,980 at an interest rate of 13% for a term of 25 years. Permanent financing proceeds is calculated as follows:

Estimated Construction Costs	\$17,580,509
Financing Costs	3,199,466
Subtotal.....	<u>\$20,779,975</u>
Less	
Project costs met by internal sources	<u>4,155,995</u>
Loan Principal Required.....	\$16,623,980

3. Operating Costs

The incremental operating costs (in '83 dollars) associated with the proposal are as follows:

Salaries, wages	\$ 5,161,093
Purchased services	744,889
Supplies/other expenses	5,700,900
Depreciation	917,314
Interest	<u>2,150,313</u>
Total.....	\$14,675,420

APPENDIX 3

LAHEY CLINIC MEDICAL CENTER
INPATIENT ORIGIN -- ALL PATIENTS

Year Ending September 30,

	<u>1978</u>		<u>1981</u>		<u>1982</u>		<u>1983</u>	
	#	%	#	%	#	%	#	%
HSA III	370	(4.5)	939	(11.1)	1,312	(14.1)	1,491	(15.4)
HSA IV	2,854	(34.7)	2,698	(31.8)	2,960	(31.8)	3,057	(31.6)
HSA VI	486	(5.9)	682	(8.0)	927	(10.0)	1,069	(11.1)
Rest of Mass.	1,723	(20.9)	1,701	(20.0)	1,742	(18.7)	1,717	(17.8)
New Hampshire	393	(4.8)	623	(7.3)	695	(7.5)	696	(7.2)
Rest of World	2,052	(24.9)	1,681	(19.8)	1,541	(16.6)	1,553	(16.1)
Unknown	355	(4.3)	161	(1.9)	118	(1.3)	82	(.8)
Total	8,233	(100.0)	8,485	(100.0)	9,295	(100.0)	9,665	(100.0)

LAHEY CLINIC MEDICAL CENTER
AMBULATORY PATIENT ORIGIN -- ALL PATIENTS

Year Ending September 30,

	<u>1978</u>		<u>1981</u>		<u>1982</u>		<u>1983</u>	
	#	%	#	%	#	%	#	%
HSA III	3,874	(5.8)	12,069	(12.7)	14,694	(14.6)	17,241	(16.5)
HSA IV	24,777	(37.0)	35,592	(37.4)	37,274	(37.1)	38,360	(36.7)
HSA VI	4,742	(7.1)	9,368	(9.8)	11,396	(11.3)	12,900	(12.3)
Rest of Mass.	12,413	(18.5)	15,423	(16.2)	15,308	(15.2)	15,143	(14.5)
New Hampshire	2,494	(3.7)	4,984	(5.2)	5,767	(5.8)	5,925	(5.7)
Rest of World	14,114	(21.1)	16,012	(16.8)	15,137	(15.0)	14,149	(13.5)
Unknown	4,503	(6.7)	1,659	(1.7)	1,040	(1.0)	908	(.9)
Total	66,917	(100.0)	95,107	(100.0)	100,616	(100.0)	104,626	(100.0)

APPENDIX 4

LAHEY CLINIC COMPARATIVE COSTS PER ADMISSION¹

	<u>LAHEY</u>	<u>BETH ISRAEL</u>	<u>UNIVERSITY</u>	<u>MASS. GENERAL</u>	<u>BRIGHAM & WOMEN'S</u>	<u>N. E. DEACONESS</u>	<u>N. E. MEDICAL CENTER</u>
Medical/Surgical Cost Per Admission	\$4,681 ² (4,026) ²	\$4,559	\$4,330	\$5,216	\$5,352	\$6,573	\$8,171
Hospital Case Mix Ratio ³	1.29	.96	1.23	1.34	.90 ⁴	1.37	1.17
Average Length of Stay	7.8	9.8	10.0	10.7	8.4	12.3	11.3
Number of Medical Surgical Beds	184 (260) ²	349	291	942	549	392	297
% Occupancy, Medical Surgical	98%	100%	88%	88%	75%	88%	89%

¹Source, Rate Setting Commission, RSC 403, 1983

²With the incremental costs of the 87 beds, and the ability of the Clinic to spread across more volume the high fixed costs of operating a specialty center, the costs per discharge will drop 14% (to, in constant dollars, approximately \$4,026 per discharge). See Factor 5, P versus P divided by adjusted discharge volume. This is because the percentage increase in costs associated with adding the beds (variable salary expenses and fixed capital costs) is less than the percentage increase in volume the beds will allow. The productive inpatient capacity of the Clinic increases 44% (from 200 to 287 beds); the operating costs increase only 23%.

³Mass. Health Data Consortium Tables, 1982.

⁴Obstetrics lowers the case mix number.

LAHEY CLINIC MEDICAL CENTER

41 MALL ROAD

BURLINGTON, MASSACHUSETTS 01805

ROBERT E. WISE, M.D.
CHIEF EXECUTIVE OFFICER
CHAIRMAN, BOARD OF GOVERNORS

ATTACHMENT IAREA CODE 617 273-5100
CABLE ADDRESS "LAHEYCLIN"

September 30, 1986

Mr. John B. O'Donnell
Program Director
Determination of Need Program
150 Tremont Street
Boston, Massachusetts 02111

Re: Lahey Clinic Hospital, Inc.
Project Number: 4-3471

Dear Mr. O'Donnell:

Enclosed are the results of a market share analysis prepared by Amherst Associates. The analysis examined Lahey Clinic's trend in selected geographic markets from 1982 - 1984.

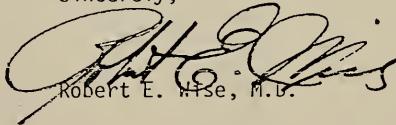
The first component of the analysis examined the market share trend for each Massachusetts HSA and the state as a whole. The data generally show increases in market share at each HSA level. The most notable market share increases occurred in HSA's 3 and 6, which were the areas where Lahey Clinic had the highest market penetration originally.

The second component of the analysis examined the Clinic's market share from areas beyond Massachusetts. In the areas of "Outside Massachusetts" and "other USA", the Clinic realized market share increases of 0.3% and 0.6% respectively.

Overall, the analysis shows that Lahey Clinic experienced a significant increase in market share during this time, both on the local front and from the broader regional and national areas.

I hope you will find this information helpful as you and your staff continue to analyze our application.

Sincerely,


Robert E. Wise, M.D.

cc: Ms. Deborah Slavitt
Mr. David Cavalier
Ms. Mary Ann Hart
Mr. John Chapman
Mr. Charles Donahue
Mr. Paul Downey
Ms. Laurie A. Cowan
Ms. Donna Gugger
Mr. Alvaro M. Sousa
Ms. Jodi Hartley
Mr. Arthur R. Osborn
Mr. Bernard M. Gordon

LAHEY CLINIC FOUNDATION, INC.

MARY AND ARTHUR R. CLAPHAM HOSPITAL
OPERATED BY
LAHEY CLINIC HOSPITAL, INC.

CHARLES A. DANA AMBULATORY CARE CENTER
OPERATED BY
LCF FOUNDATION, INC.

LAHEY CLINIC MARKET SHARE TRENDS,
1982 - 1984

MASSACHUSETTS PATIENTS HOSPITALIZED AT LAHEY CLINIC:

Number of Patients

	15-64	65+	Total 15+
1982	4122	1761	5883
1984	4625	1997	6622

LAHEY CLINIC COMPARATIVE MARKET SHARE BY HSA
AND MASSACHUSETTS TOTALS

Age 15 - 64

	<u>1982</u>	<u>1984</u>	<u>Market Share Change, 1982-1984</u>
	Market Share\$		
HSA 1	0.4	0.5	0.1%
HSA 2	0.2	0.3	0
HSA 3	3.0	3.7	0.7%
HSA 4	1.2	1.5	0.3%
HSA 5	0.9	1.0	0.1%
HSA 6	1.2	1.7	0.5%
MASSACHUSETTS	<u>1.1%</u>	<u>1.3%</u>	<u>0.2%</u>

Age 65+

	<u>1982</u>	<u>1984</u>	<u>Market Share Change, 1982-1984</u>
	Market Share\$		
HSA 1	0.2	0.2	0
HSA 2	0.1	0.2	0.1%
HSA 3	1.2	1.5	0.3%
HSA 4	0.9	0.9	0
HSA 5	0.6	0.5	(0.1)%
HSA 6	0.8	1.0	0.2%
MASSACHUSETTS	<u>0.7</u>	<u>0.7</u>	<u>0</u>

	<u>Total 15+</u>		<u>Market Share</u>
	<u>1982</u>	<u>1984</u>	<u>Change, 1982-1984</u>
	Market Share%		
HSA 1	0.3	0.4	0.1%
HSA 2	0.2	0.3	0.1%
HSA 3	2.3	2.7	0.4%
HSA 4	1.1	1.2	0.1%
HSA 5	0.8	0.8	0
HSA 6	<u>1.1</u>	<u>1.4</u>	<u>0.3%</u>
MASSACHUSETTS	0.9	1.1	0.2%

Lahey Clinic Data Prepared by Amherst Associates
 September 15, 1986

LAHEY CLINIC MARKET SHARE FROM OTHER
AREAS, 1982 - 1984

AREA	YEAR	LAHEY CLINIC MARKET SHARE %, AGE 15+
Outside Mass ¹	1982	5.0%
	1984	5.3%
Other USA ²	1982	3.8%
	1984	4.4%

¹ "Outside Mass." includes other New England States, New York, other USA and out of USA.

² "Other USA" includes all areas of U.S. except the New England States and New York.

C

HEALTH

PLANNING
COUNCIL

FOR GREATER BOSTON, INC.

October 20, 1986

Deborah Slavitt
Administrator, Emergency
Lahey Clinic Medical Center
Burlington, MA 01805

Re: Determination of Need Application
Lahey Clinic Medical Center
Project #4-3471

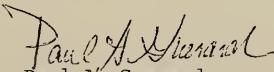
Dear Ms. Slavitt:

The Project Evaluation and Review (PER) Committee of this agency is in the process of reviewing your application. Staff has distributed a summary of your application (Reviewer's Guide) to Committee members. Enclosed is a copy of the Reviewer's Guide for your perusal and comment. Should you feel that any information which is vital to your request has been omitted from the information provided to the Committee, I would invite you to submit a brief addenda to the Reviewer's Guide. Your submission will be attached to the packets of information on your application as it proceeds through our review process to the Health Planning Council's Board of Directors.

The next meeting of the PER Committee is scheduled for Monday, October 27, 1986, 6:00 p.m., in the Library of the HPCGB, 294 Washington Street, Suite 630, Boston, MA. At this meeting, you will be afforded up to ten minutes to make a presentation of your application. Additional time will be allotted for Committee discussion of your project. Ten taxpayer groups and other affected parties will also be afforded up to ten minutes for a presentation. When your application is voted upon, you will again be asked to attend the PER Committee meeting.

Should you have any questions concerning the HSA process or any information presented in this letter, please do not hesitate to contact me at the agency's address or by phone at 426-2022.

Sincerely,


Paul A. Guerard
Deputy Director

PAG/anr
enclosure
cc: Parties of Record

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

Officers	President	Vice Presidents	Treasurer	Secretary	Executive Director
	Lewis W. Pollack	Phyllis J. Miller, R.N. William A. Reilly, Jr.	Gregory Bulger	Herbert P. Gleason	Charles L. Donahue, Jr.

HEALTH
PLANNING
COUNCIL
FOR GREATER BOSTON, INC.

M E M O R A N D U M

TO: Project Evaluation and Review (PER) Committee Members

FROM: Elizabeth O'Brien, Clinical Coordinator

DATE: October 20, 1986

SUBJECT: Lahey Clinic DON Application, #4-3471

Enclosed is the Reviewer's Guide prepared by staff in November, 1985, summarizing the DON application submitted by Lahey Clinic in September, 1983 and revised in April, 1984. Because the application described in the enclosed Reviewer's Guide is essentially the same as the application submitted in September, 1986, a second summary is not being prepared. The enclosed Reviewer's Guide will be the basis for PER Committee discussion at its next meeting on Monday, October 27, 1986. The meeting will take place at 6:00 p.m. in the Library of the HPCGB. The purpose of this memo is to describe any changes which have occurred since the writing of the November, 1985 Reviewer's Guide.

Lahey is again requesting 87 additional Medical/Surgical (M/S) beds (including 4 ICU beds); 4 additional ORs, additional support space; and the transfer of its cardiac surgery program from the New England Deaconess to Burlington.

The capital cost of the project is \$21,265,190 (increased from \$20,779,975); operating costs (\$14,475,564) are essentially the same.

In the September, 1986 DON, Lahey states that their bed need is 290 -- 45 beds per the state's bed need formula and 45 beds required for HMO patients. The Hospital also states that, "...according to the state agencies' most recent calculations, the subarea in which Lahey stands does have a need for 148 additional M/S beds."

Lahey's most recent references to the bed need formula and the need for beds in their subarea are inaccurate. The Hospital is apparently applying the state's 1983 use rates in their bed need analysis. The Hospital also uses 1982 patient origin data rather than 1984 patient origin data which have been available for several months.

The state adopted new use rates in January, 1986. In July, 1986, the Executive Office of Human Services calculated bed need for all Massachusetts

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Memorandum: PER Committee Members

October 20, 1986

Re: Lahey Clinic DON Application, #4-3471

Page Two

acute care hospitals utilizing the new use rates. This calculation yielded a 1990 M/S bed need for Lahey of 218 (18 more than Lahey's current complement). The calculation also demonstrated an excess of 118 M/S beds in the Northwest Metro, the subarea in which Lahey is located.

In terms of the number of beds required for Lahey's HMO, this bed need figure as presented by Lahey has changed five times since 1983, including the number just recently submitted. The DON staff, in their 1986 analysis, presented the following chart:

<u>Date of Submission</u>	<u>Projected HMO M/S Bed Demand</u>
September 1, 1983	68 (8 existing, 60 additional by 1987)
December 1, 1984	10 (10 existing, 0 additional requested)
November 12, 1985	32 (12 existing, 20 additional by FY 1989)
December 20, 1985	50 additional by FY 1990

In the current application, Lahey states that they need 45 additional beds for HMO patients by 1990. Enrollment figures (actual and projected) are presented on Page 4 of the Reviewer's Guide.

Lahey submitted new market share information (FY 1984) in September, 1986. This is included as Attachment I. It is noted again, however, that FY 1982, not FY 1984, market share information was used in Lahey's calculation of its bed need.

A remaining change is that Lahey has increased its number of staff physicians -- from 163 as reported in the DON staff analysis of March, 1986 to 197.

ANNOUNCEMENT

of Labor Health Activities

P R E S C R I P T I O N D R U G S E R V I C E S

HEALTH CARE COST CONTAINMENT

- John Doran
Director, Citizens
Health Corporation

Maintenance drugs are a major health care expense for many union members. By purchasing prescription drugs through the mail in large quantities, organizations can take advantage of discount rates and help to reduce health care spending. The Citizens Health Corporation is a Boston-based non-profit organization that assists labor organizations and employers in developing mail service prescription drug programs. In this special presentation, the Corporation's director will explain how Massachusetts unions and Taft-Hartley funds can reduce health care spending through participation in the Corporation's program.

The presentation by the Citizens Health Corporation will be included as part of the Nov. 13 meeting of the Labor Health Steering Committee. Open to all union members.
Info.: Bob Murphy, (617) 426-2022.

TIME: 9:00 a.m. to noon

PLACE: Plumbers Union Hall
1240 Massachusetts Ave.
Boston, MA

DATE: November 13, 1986

HEALTH PLANNING COUNCIL FOR GREATER BOSTON, INC.

LABOR HEALTH STEERING COMMITTEE

November 13, 1986

Plumbers Hall, Local 12

1240 Massachusetts Avenue

Boston, MA

9:00 a.m.

*****AGENDA*****

I. Introductions

II. Program: Mail Service Prescription Drug Programs

- John Doran
Director,
Citizens Health Corporation

III. Old Business

A. PPO Update

B. Robert Wood Johnson Foundation Grant

C. Preventable Disease Study

IV. New Business

A. Schedule of Meetings

V. Adjournment

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

Officers	President Lewis W. Pollack	Vice Presidents Phyllis J. Miller, R.N. William A. Reilly, Jr.	Treasurer Gregory Bulger	Secretary Herbert P. Gleason	Executive Director Charles L. Donahue, Jr.
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COMMITTEE MEETINGS

1) Which meeting days and times are most convenient for you?

MONDAY MORNING	WEDNESDAY AFTERNOON
MONDAY AFTERNOON	THURSDAY MORNING
TUESDAY MORNING	THURSDAY AFTERNOON
TUESDAY AFTERNOON	FRIDAY MORNING
WEDNESDAY MORNING	FRIDAY AFTERNOON

2) Which meeting location do you prefer?

DOWNTOWN BOSTON PLUMBERS HALL, DORCHESTER OTHER: _____

3) How often should the Committee meet?

MONTHLY EVERY OTHER MONTH QUARTERLY OTHER: _____

COMMENTS, CRITICISMS



AFSCME^(R)

in the public service

American Federation of State, County and Municipal Employees

Local Union Name Lynn School Employees No. 1736

Secretary: Susan E. McFarlane

Address: P.O. Box 1686

(Street)

Lynn, Massachusetts 01903

(City, Zone and State)

Date: October 17, 1986

Russell Sullivan
President
Carpenters Union No. 595
818 Western Avenue
Lynn, Massachusetts

Dear Brother Sullivan,

It has come to my attention that Mayor DiVirgilio may be trying to make arrangements with your local to volunteer their services to do carpentry work in the Lynn Schools. Local 1736 is the bargaining agent for carpenters in the Lynn School Department.

It is understandable that Mayor DiVirgilio would like to get free work performed and would certainly enjoy the attendant publicity he could derive from being able to do so, but it would be at the expense of your brother carpenters who are already the employees of the Lynn School Department.

We would be most appreciative if we might have the opportunity to discuss the ramifications of this invitation to you at your earliest convenience.

Fraternally yours,
Edward F. McCarthy
Edward F. McCarthy
President, Local 1736

EFM:sm
cc: Arthur Osborne

Spaulding Associates, inc.

Actuaries and Employee Benefit Consultants

H. Edward Spaulding, president

October 10, 1986

PERSONAL, AND CONFIDENTIAL.

Mr. George E. Carpenter, Jr.
Secretary-Treasurer
Massachusetts/AFL-CIO
8 Beacon Street, 3rd Floor
Boston, MA 02108

Re: Massachusetts/AFL-CIO Pension Trust

Dear George:

I talked over the telephone this morning with Howard Reich of Union Labor Life Insurance Company and explained to him that the Trustees wanted to set up a payment arrangement with Union Labor Life under which approved invoices for actuarial/ consulting services and Trustee educational seminar attendance would be paid by Union Labor Life and charged against assets invested by them.

Howard Reich assured me that he would pursue this matter immediately with his appropriate home office executive personnel and respond as quickly as possible.

Best personal regards.

Sincerely,

H. Edward Spaulding
President

HES/b1v

cc: H. Reich

Geo. - Howard Reich just called back & ULLICO has agreed in principle! He will confirm in writing with specifics about the arrangement -

Ed 10/10/80

384 Acushnet Avenue • New Bedford • MA 02740 • 617-996-3378

IUE Local 200
41 Eagle Street
North Adams, MA

Paul Eustace
Secretary of Labor
1 Ashburton Place
Boston, MA

Dear Paul:

As I'm sure you already know, Norma Hicks is leaving her position as the representative of your office for Labor for the Western region of the state. Norma has done a lot of valuable work out here, and I'm sure that we'll all miss her.

The main **purpose** of this letter, though, is to emphasize how necessary it is for someone to replace her in that position, and the sooner the better. We really need Labor input on a large number of issues out here. Things are nowhere near as bad as they were back in 1985 and the early part of this year, but there's still plenty of problems.

My own plant, Sprague Electric, Brown St., has been sold to a holding company, which is in the process of making a number of changes. For starters, we're already all on a four-day workweek, and it's caused a lot of discontent, naturally, among my people.

Labor, in situations like ours, certainly needs to be putting input into places like the Workers Assistance Center. The Division of Employment Security is apparently doing some sort of computerized reorganization, and monkeying around with eligibility requirements again. Some Brown Streeters would like to register, but the plant may be under a new name soon, and they're not certain if they're still eligible.

It would be a definite help also if the underemployed, those people who Sprague and the other plants laid off and are now working again but making a lot less money, could get some re-training through the Center. Most of these people are making less than \$5.00 an hour, some of them with families. The Center staff has already suggested this, and they're pushing it hard, but they can't seem to get any answer out of Boston.

Since Norma has left, it's been hard to get equal representation in Center policy. The people there seem to be getting tied up in all this number business, and they're not being allowed to get the necessary things done. We need somebody out here from your office to speak for us.

Please, if you can, get somebody new - and somebody good - to replace Norma.

Thanks for your attention,

Andre Martell

Andre Martell
President, IUE Local 200

cc George Carpenter AFL-CIO
Breck Balmos ISP
Peter DeGicco IUE Dist.II Pres.
Robert Patti IUE Int. Rep.



Essex County Sheriff's Office

50 ST. PETER STREET
SALEM, MASSACHUSETTS 01970

CHARLES H. REARDON
SHERIFF

TELEPHONE
(617) 744-7443

October 1, 1986

Arthur R. Osborn, President
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Mr. Osborn:

On August 28, 1986, I received a letter from you informing me of the endorsement of my candidacy for Sheriff of Essex County by the Massachusetts AFL-CIO Committee on Political Education. I am writing to ask that you express my sincere thanks to the members of this Committee for their support.

As you know, my candidacy did emerge victorious on Primary Day, Sept. 16, and my return to office is now secure. The assistance of my friends, associates and organizations such as yours made this possible, and I am extremely grateful to all. I fully intend to uphold the trust and confidence they have placed in me by continuing to serve the office of Sheriff with honesty, integrity and to the best of my abilities.

Again, my deep appreciation.

Sincerely,

Charles H. Reardon
Charles H. Reardon,
Sheriff
County of Essex

CHR/er





**GEORGE MEANY CENTER
FOR LABOR STUDIES, INC.
BOARD OF TRUSTEES**

October 3, 1986

Chairman

Lane Kirkland
President
AFL-CIO

Secretary-Treasurer

Thomas R. Donahue
Secretary-Treasurer
AFL-CIO

Assistant Secretary

Dorothy Shields
Director of Education
AFL-CIO

Executive Director

Robert J. Pleasure
George Meany Center
for Labor Studies, Inc.

Morton Bahr, President
Communications Workers
of America

Patrick J. Campbell
General President
United Brotherhood of Carpenters
and Joiners of America

Edward J. Cleary, President
New York State AFL-CIO

Wilbur J. Cohen
Professor of Public Affairs
The University of Texas

John DeConcini, International President
Bakery, Confectionery and Tobacco
Workers International Union

John Dunlop
Lamont University Professor
Harvard University

Theodore W. Kheel, Attorney-at-Law
Battle, Fowler, Jaffin,
Pierce and Kheel

Joyce D. Miller, Vice President
Amalgamated Clothing and
Textile Workers Union

Frederick O'Neal, President
Associated Actors and Artistes
of America

Bayard Rustin
Co-Chairman of the Board
A. Philip Randolph Institute

John W. Schmitt, President
Wisconsin State AFL-CIO

Albert Shanker, President
American Federation of Teachers

John J. Sweeney, International President
Service Employees International
Union

William H. Wynn, International President
United Food and Commercial
Workers International Union

MEMORANDUM

TO: AFL-CIO State, Local Central Bodies

FROM: Louise Walsh, Coordinator *now*

SUBJECT: **Public Communications Workshop**
December 14 - 18, 1986

GREETINGS:

The George Meany Center has rescheduled its workshop on Public Communications: How to Work with the Media. The program is cosponsored by the AFL-CIO Department of Information. Its purpose is to help local and district union representatives improve labor's image.

I'm enclosing a release on the subject. Anything you can do to pass the word about this workshop will be appreciated.

LW:jb
opeiu#2
afl-cio

Enclosure



For release

10/3/86

Public Communications Workshop

walsh

The George Meany Center has rescheduled its workshop on Public Communications to December 14 - 18. The class on working with the news media to improve labor's image is cosponsored by the AFL-CIO Department of Information.

Faculty for this workshop will be the labor movement's most successful communications and PR directors who will lead discussions on what a local or district union can do to improve labor's image.

Lectures and workshops will deal separately with using the print media, radio and television. Participants will write news releases and tape actualities for radio.

The AFL-CIO's Labor Institute for Public Affairs will show a selection of union videotapes that are available for airing over local cable and TV stations.

Murray Seeger, AFL-CIO Information Director, will open the program Sunday evening, Dec. 14. Louise Walsh of the George Meany Center staff will coordinate.

To enroll for this workshop write Registrar, George Meany Center for Labor Studies, 10000 New Hampshire Ave., Silver Spring, Md. 20903. There is no charge for tuition for this workshop for AFL-CIO affiliates. Room and board costs \$70 a day. A deposit of \$70 is required with the registration.

To enroll for a program at the George Meany Center

To reserve a place in an institute, workshop or seminar at the George Meany Center, please complete one of these applications and mail it with your check for \$70. Your deposit will be credited to your room and board bill. The deposit for registrants who live in the Washington, D.C. area and commute to class is \$35. It covers lunches for one week.

Deposits will be refunded if notice of cancellation is received by the Wednesday before the program. Please make the check payable to the George Meany Center for Labor Studies.

For more information about any program call the Registrar at 301/431-6400.

Application to Register for Labor Studies

Registrar
George Meany Center for Labor Studies, Inc.
10000 New Hampshire Avenue
Silver Spring, Maryland 20903

PLEASE PRINT or TYPE

Please enroll me for (course): PUBLIC COMMUNICATIONS: How to Work with the Media

Dates: December 14 - 18, 1986

Enclosed is a deposit of \$ _____

Name of applicant: Mr./Ms. _____

Address: _____

City: _____ State: _____ Zipcode: _____

Sponsoring Unit: _____

Applicant's Union Office or Position: _____

Office Number and area code _____

Signature _____

Application to Register for Labor Studies

Registrar
George Meany Center for Labor Studies, Inc.
10000 New Hampshire Avenue
Silver Spring, Maryland 20903

PLEASE PRINT or TYPE

Please enroll me for (course): PUBLIC COMMUNICATIONS: How to Work with the Media

Dates: December 14 - 18, 1986

Enclosed is a deposit of \$ _____

Name of applicant: Mr./Ms. _____

Address: _____

City: _____ State: _____ Zipcode: _____

Sponsoring Unit: _____

Applicant's Union Office or Position: _____

Alliance of M.B.T.A. Unions

A.F.L.-C.I.O.

109 CIRCUIT ROAD
MEDFORD, MASSACHUSETTS 02155

RONALD SIMPSON
PRESIDENT

14 OCT 86

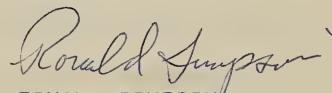
PAUL L. OEVLIN-PRESIOENT
MASS. FEDERATION OF TEACHERS
216 TREMONT STREET
BOSTON, MA. 02116

DEAR BROTHER OEVLIN,

PLEASE FINO ENCLOSSED A CHECK FOR TWO HUNOREO AND EIGHTY
(\$280.00) DOLLARS. THIS CHECK REPRESENTS A DOLLAR PER MAN
FROM OUR LOCAL. PLEASE USE THIS CONTRIBUTION IN YOUR FIGHT
AGAINST QUESTION #2 OF THE UPCOMING NOVEMBER BALLOTING.

WISHING YOU AND YOUR STAFF MUCH SUCCESS IN THE BATTLE
OF THE BUGET.

FRATERNALLY YOUR'S



RONALD SIMPSON
PRESIOENT-CHAIRMAN
ALLIANCE OF MBTA UNIONS

October 14, 1986

Dear Labor Leader:

The Labor Health Steering Committee will be meeting on Thursday morning, Nov. 13, at the Plumbers Hall, Local 12, in Boston, in order to learn about opportunities for saving money on health care costs through participation in mail order prescription drug programs. We'll also be discussing possibilities for arranging discounts at community health care health centers for union members who use the centers. If your union or Taft-Hartley fund is concerned about reducing health care costs, this is a meeting that you should try to attend. Meetings are open to all union members.

As you may have heard, the Health Planning Council has been hit very hard by recent Federal cutbacks. The Council is an important resource for all working people who are trying to gain access to affordable health care. If you haven't done so already, I encourage you to write to Governor Michael Dukakis, in order to push for state support for agencies like the Health Planning Council.

If you have any questions about the Nov. 13 meeting, telephone Bob Murphy or Lloyd Williams at the Health Planning Council. Telephone: (617) 426-2022. Also, I would appreciate it if you would take a few seconds to complete and return the attached questionnaire. Let us know about the kinds of programs that you want the Committee to develop in the future.

Fraternally yours,


Joseph Joyce
Co-Chairman
Labor Health Steering Committee

JJ/jls
Enclosures

HEALTH PLANNING COUNCIL FOR GREATER BOSTON, INC.

LABOR HEALTH STEERING COMMITTEE

November 13, 1986

Plumbers Hall, Local 12

1240 Massachusetts Avenue

Boston, MA

9:00 a.m.

*****A G E N D A*****

I. Introductions

II. Program: Mail Service Prescription Drug Programs

- John Doran
Director,
Citizens Health Corporation

III. Old Business

A. PPO Update

B. Robert Wood Johnson Foundation Grant

C. Preventable Disease Study

IV. New Business

A. Schedule of Meetings

V. Adjournment

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

Officers	President Lewis W. Pollack	Vice Presidents Phyllis J. Miller, R.N. William A. Reilly, Jr.	Treasurer Gregory Bulger	Secretary Herbert P. Gleason	Executive Director Charles L. Donahue, Jr.
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ANNOUNCEMENT

of Labor Health Activities

P R E S C R I P T I O N D R U G S E R V I C E S

H E A L T H C A R E C O S T C O N T A I N M E N T

- John Doran
Director, Citizens
Health Corporation

Maintenance drugs are a major health care expense for many union members. By purchasing prescription drugs through the mail in large quantities, organizations can take advantage of discount rates and help to reduce health care spending. The Citizens Health Corporation is a Boston-based non-profit organization that assists labor organizations and employers in developing mail service prescription drug programs. In this special presentation, the Corporation's director will explain how Massachusetts unions and Taft-Hartley funds can reduce health care spending through participation in the Corporation's program.

The presentation by the Citizens Health Corporation will be included as part of the Nov. 13 meeting of the Labor Health Steering Committee. Open to all union members.
Info.: Bob Murphy, (617) 426-2022.

TIME: 9:00 a.m. to noon

PLACE: Plumbers Union Hall
1240 Massachusetts Ave.
Boston, MA

DATE: November 13, 1986

LABOR HEALTH STEERING COMMITTEE QUESTIONNAIRE

Please complete the following questionnaire and return completed forms to: Bob Murphy, Health Planning Council, 294 Washington St., Suite 630, Boston, MA 02108. Thanks,

COMMITTEE EVALUATION

Circle responses.

1) In 1986, have you attended Labor Health Steering Committee meetings....

2) If you circled "Some of the Time" or Not at All" was it because...

DIDN'T KNOW ABOUT MEETINGS MEETINGS TOO LONG

DIFFICULT TO REACH MEETING SITES OTHER REASONS:

3) In 1986, do you believe that the Labor Health Steering Committee has been...

4) Would you encourage other individuals to become involved in the Committee?

YES NO POSSIBLY NOT SURE

COMMITTEE ISSUES

1) The following issues have been mentioned as possible topics for future Committee meetings. Please circle issues that are likely to be of most interest to you.

EMPLOYEE ASSISTANCE PROGRAMS

SERVICES FOR THE ELDERLY "LIFESTYLE" (SMOKING, ETC.)

ACCESS ISSUES: UNINSURED POPULATION

WORKPLACE HEALTH & SAFETY COSTS

2) Are there other issues that you would like to see the Committee address during the next six months? ISSUES:

COMMITTEE MEETINGS

1) Which meeting days and times are most convenient for you?

MONDAY MORNING

WEDNESDAY AFTERNOON

MONDAY AFTERNOON

THURSDAY MORNING

TUESDAY MORNING

THURSDAY AFTERNOON

TUESDAY AFTERNOON

FRIDAY MORNING

WEDNESDAY MORNING

FRIDAY AFTERNOON

2) Which meeting location do you prefer?

DOWNTOWN BOSTON PLUMBERS HALL, DORCHESTER

OTHER: _____

3) How often should the Committee meet?

MONTHLY

EVERY OTHER MONTH

QUARTERLY

OTHER: _____

COMMENTS, CRITICISMS

please
call + find out
when next
meeting is?

C & Copy



MICHAEL S. DUKAKIS
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

October 3, 1986

Arthur R. Osborn, President
Massachusetts AFL/CIO
8 Beacon Street
Boston, Massachusetts 02108

Dear Mr. Osborn:

Under the provisions of Massachusetts General Laws, Chapter 21A, Section 8A, I am pleased to appoint you a member of the Water Resources Commission. Your term will expire November 29, 1988.

Your appointment will become effective upon qualification. Failure to take the oath of office within three months from the date of this letter will automatically void this appointment.

Sincerely,

Michael S. Dukakis

MSD/mmc

cc: Secretary of State
Comptroller
State Ethics Commission
Governor's Press Office
Governor's Legislative Office
Executive Office of Environmental Affairs
Dept. of Environmental Quality Engineering

Vice: Lawrence Feldman

2nd floor of Env. Bldg.
1 Winters St
Monday morning
Nov 10th 1:50 pm
227
9880

C & Copy To J. Lydon etc
BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

COMMITTEES:
GOVERNMENT OPERATIONS
CHAIRMAN,
EMPLOYMENT AND HOUSING
BANKING, FINANCE, AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

October 10, 1986

WASHINGTON OFFICE:
1030 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5931
DISTRICT OFFICES:
437 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920
10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02722
(617) 674-3551
8 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4723

Mr. Arthur Osborne
Mass. AFL-CIO
8 Beacon Street
3rd Floor
Boston, MA 02108

Dear Arthur:

I thought you might be interested in some remarks I made Wednesday on the floor of the House regarding Medicare coverage of state and local employees.

As you are no doubt aware, the Senate version of the pending Budget Reconciliation bill contains a provision which would require all state and local employees to be placed under Medicare coverage. Clearly, the enactment of this provision would place an intolerable burden on state and local governments and would have a harmful effect on employees.

The House version of the Reconciliation bill would not extend Medicare coverage (it would limit mandatory Medicare coverage to newly hired employees, a change made in the previous Reconciliation bill passed in April). I have been working with Brian Donnelly and other interested members of Congress in the fight to preserve the House language on this issue. This is one of the few remaining issues to be resolved in negotiations between the Senate and House, and I will be doing all that I can to fight for the House position. In addition, as you can see from the attached copy of my remarks, I have pledged to vote against the Reconciliation bill if the Senate prevails on this issue, and if enough other members join me in this position, we may be able to block this effort to increase your costs.

I will let you know when there are further developments.


BARNEY FRANK

BF/pk
Enclosure

Congressional Record

NOT THE TIME TO BURDEN STATE AND LOCAL GOVERN- MENTS

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I would just say parenthetically that to be accused of preventing Ronald Reagan from reaching an arms control agreement is a little bit like being accused of preventing Ghandi from eating a steak dinner. I see no evidence that it was going to happen anyway.

But what I want to address today is the question of Medicare coverage for State and local employees. We have done some things in these last few weeks that have had an unfortunate effect on the ability of State and local governments to provide needed services to people.

Revenue sharing, because of that foolish Gramm-Rudman law, has been terminated; I hope only temporarily. Sales tax deductions have been cut back. There have been unfortunate restrictions in the use of tax-exempt bonds.

To impose on those States which do not now choose to follow it, a requirement that all the employees go under Medicare, either right away or within a 2- or 3-year phase-in period, would further burden local and State governments. It is not sensible fiscally to say we are going to reduce the Federal deficit by increasing deficits at the State and local level.

It is not saving taxpayers' money simply to shift money from the Federal level to the State and local.

I hope that the reconciliation bill will not put that further burden on State and local governments. If it does, many of us are going to have to vote against it because this is not the time to further burden State and local governments.

COPY
for me
OK

10/10/86

JOHN J. FLYNN DIRECTOR

REGION 9A UAW

111 SOUTH ROAD

P. O. BOX 1247

FARMINGTON, CONNECTICUT 06034

PHONE: (203) 674-0143

PRINTED IN U.S.A.



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

OWEN BIEBER, President

RAYMOND MAJERUS, Secretary-Treasurer

October 7, 1986

Mr. Arthur R. Osborn, President
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA. 02108

Dear Arthur:

Since my election in June, as UAW Region 9-A Director, I have utilized the UAW's resources to increase labor's political clout throughout the region as a top priority, which is a goal I know you share.

A key element in that strategy, I believe, is to build alliances between labor and community groups to elect more pro-labor candidates to office. Such coalitions broaden labor's base, giving us allies we would not otherwise have to win in the legislative and electoral arenas.

The experience that the UAW and other unions have had in Connecticut with creating just such a labor-community coalition (called "LEAP") demonstrates that labor's power can be significantly enhanced by such alliances.

Founded in 1980, by six unions, LEAP has grown to 24 labor (including the UAW, IAM, SEIU, AFT and 1199) and citizen groups representing far more than 200,000 members. Its primary focus has been to elect pro-labor candidates to the Connecticut legislature, winning over 70% of the contested races in which it has been involved (including 8 out of 9 contests in the recent September 9th primary). In a growing number of cases, these are candidates LEAP recruited from the ranks of coalition member organizations (close to a dozen will be running in November). LEAP provides these candidates with a wide variety of campaign services and then gets large numbers of members of LEAP organizations working in their campaigns. The enclosed article from The Nation describes LEAP's work and success.

October 7, 1986
Arthur Osborn, President

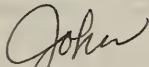
On September 25th, the Massachusetts State UAW CAP Council strongly endorsed the building of a labor-community political coalition in Massachusetts.

With that in mind, I would very much like to explore, with you, over the next several months how the AFL-CIO, UAW and other unions and community groups might work more closely on political action in Massachusetts.

Marc Caplan, who was LEAP's first Director from 1980-85, and has extensive experience in building strong relationships among labor and citizen organizations, is working with the UAW on this project. I have asked Marc to contact and, if possible, meet with you shortly.

We look forward to working with you on this important endeavor.

Fraternally,



John J. Flynn
Director

JJF:gps
opeiu494
Enclosure

THE LEAP COALITION

Democratic Gadfly In Connecticut

BRUCE SHAPIRO

On July 19, Toby Moffett walked out of Connecticut's Democratic convention nearly alone and deeply shaken. Moffett, a former youth worker and community organizer who in four Congressional terms from 1974 to 1982 was the model of a charismatic, effective left-liberal legislative advocate, had entered the convention seeking the right to challenge Connecticut's conservative Democratic Governor, William O'Neill, to a primary. In most states Moffett could have qualified for the primary with a carton of petitions, but Connecticut election law requires any potential challenger for statewide office to round up the support of 20 percent of the party's convention delegates. Such delegates are generally under the firm thumb of incumbents, and this year was no exception. Despite an intense campaign, nearly \$1 million in spending and a series of local delegate ballots showing Moffett and O'Neill neck and neck, Moffett ended some twenty delegates short.

Moffett's campaign was only the most recent skirmish in a slowly accelerating battle for the soul of Connecticut's Democratic Party—a challenge with national implications for left electoral strategy. Behind the scenes, it was largely the work of the Legislative Electoral Action Program (LEAP), a coalition of labor and citizen action groups founded in 1980 to bring progressive politics to Connecticut's electoral marketplace.

LEAP began as a coalition between community activists seeking to broaden their influence and six labor organizations—including Connecticut's United Auto Workers and International Association of Machinists—who wanted to establish a political base independent of the state A.F.L.-C.I.O. Frustrated with the resistance to change within the Democratic State Central Committee and the labor council, they decided to try a new tack: instead of routinely endorsing candidates in every race as unions and most liberal groups have traditionally done, they would select or develop from their own ranks a few issues-oriented legislative prospects with outstanding qualifications, and pull out all the stops to get them elected. Rather than focusing on providing funds, LEAP would make organizational services available to help build winning campaigns for progressive candidates. LEAP's annual budget is about \$160,000, which covers staff and organizing costs as well as education and training programs channeled through a non-profit affiliate. Some of this funding is provided by LEAP's constituent organizations, notably unions; some from national foundations; and some from grass-roots fund raising and individual donations.

It was clearly necessary to build an organization independent of the regular Democratic machine. Much of Connecticut's Democratic Party is deeply conservative and marked more by cronyism than compassion or creativity. Governor O'Neill, formerly state Democratic chair, is ideologically indistinguishable from Republicans on a wide range of issues. At the same time, however, the Connecticut Democratic Party, like traditional political machines across the country, has but a shadow of its former power. It has proved increasingly vulnerable to challenges from the state's Republican Party, under the leadership of Senator Lowell Weicker and his allies. Though still a minority party, the Republicans have built a strong and diverse suburban base, which the Democrats, fixed on ward-level machine politics in the cities, have been unable to penetrate.

In its first year, LEAP supported four legislative candidates. All won. In 1984, twenty of thirty-six LEAP-supported legislative candidates won, despite the greatest Republican landslide in state history. The coalition has grown to include twenty-three organizations, mostly unions but also a number of citizen action groups and environmental lobbies. Where LEAP has wanted to reach out to new constituencies it has in some cases created special interest PACs.

Women have played a critical role in LEAP from the outset, and several of the coalition's "flagship" legislative candidates have been women. LEAP legislators, both male and female, have played an important role over the past several legislative sessions as advocates for reproductive rights and pay equity bills.

While the state's established feminist organizations—the National Organization for Women and the National Abortion Rights Action League—have supported and in some cases worked for LEAP candidates, they are not formally part of the LEAP coalition because they have their own political programs. However, LEAP has spun off two women's rights groups, the Women's Issues Network PAC, which contributes to feminist legislative campaigns; and the Women's Caucus, which serves as an advocate of women's issues within the LEAP coalition and has occasionally lobbied the State Legislature.

Most of Connecticut's black communities are not organized into citizen action groups, so there is no established base for LEAP candidates. There are several reliable black progressives in the General Assembly, but like many urban liberals, they are more connected with the regular Democratic Party or with older reform networks than LEAP. LEAP helped run two unsuccessful mayoral campaigns by Bridgeport's most prominent black politician, Charles Tisdale, and has involved itself somewhat more successfully in a few municipal races in Hartford, which has the strongest community organizations among Connecticut's three largest cities.

Connecticut's established civil rights groups—the Urban League and the National Association for the Advancement of Colored People, whose chair is a Republican—are not members of the LEAP coalition. Several of its labor union constituents, however, such as New England Health Care Workers District 1199, are very active in civil rights issues. Last year LEAP formed a new affiliate, the Civil Rights Action Committee, specifically designed to involve minority candidates. The committee's director, Norvel Goff, was recently elected majority leader of Hartford's City Council. This past October, the Puerto Rican Political Action Committee, an independent Hispanic group in Hartford, joined LEAP.

LEAP asks candidates looking for support—whether a career politician with a reform bent or an issues activist seeking office for the first time—to fill out a lengthy questionnaire describing their experience and positions on subjects from plant closings to abortion rights. Candidates are then interviewed by a committee. When the coalition makes endorsements, an activist background is as important as correct stands on issues. "If one person has a 100 percent voting record but no history of advocacy, and another has 85 percent but is an effective activist, we'll take the 85 percent," says LEAP president John Flynn, a regional director for the U.A.W.

Once a candidate has been endorsed, LEAP focuses on providing quality technical assistance rather than PAC funds. Candidates are invited to workshops where they develop concrete skills such as public speaking and campaign-time management. LEAP helps draw up sophisticated campaign plans and gives advice on fund raising. For a handful of the coalition's most prized candidates, or for efforts in districts regarded as especially vulnerable to a progressive challenge, LEAP will provide a full-time staff member or campaign manager.

Most important, LEAP is an organizing vehicle for volunteers, drawn from the ranks of LEAP's constituent groups. Thanks to LEAP, for instance, the 1984 campaigns for state representative of Miles Raport, former director of the Connecticut Citizen Action Group, and Lynn Taborsak, former state coordinator for NOW, each involved over 300 volunteers, an unheard-of level for a campaign in Connecticut's small Statehouse districts.

LEAP has managed to avoid many pitfalls similar organizations face. With the single exception of Moffett's campaign, the coalition has so far focused on a long-term strategy of gradually gaining seats in the General Assembly and in municipal offices, instead of running highly visible but doomed challenges for the state's highest offices. LEAP has maintained its commitment to issues even at the risk of alienating some of its constituents. Last fall LEAP lent critical support to abortion rights activists in the largely blue-collar and Catholic community of Bristol, where a local clergyman had launched an antiabortion referendum.

LEAP has so far been most successful in Connecticut's medium-size cities and suburbs. In addition to aiding legislative campaigns, LEAP helped William Collins, the progressive mayor of Norwalk, regain his seat after losing it in 1981; the group has also been instrumental in mayoral contests in other municipalities.

But LEAP is not without problems. The state's three largest cities, Bridgeport, Hartford and New Haven, which have the greatest concentrations of Democratic voters, have remained regular Democratic strongholds despite several attempts by LEAP candidates to win important municipal offices.

Ironically, the greatest challenge to LEAP has come not from the right but from Moffett, one of the coalition's oldest and closest friends. Before running for Congress in 1974 Moffett founded and directed the Connecticut Citizen Action Group, now a key member of the LEAP coalition. Moffett helped organize LEAP and has boosted the campaigns of several LEAP candidates.

Moffett's effort to run for governor proved problematic for LEAP. He was challenging a well-known incumbent at a time of great prosperity for the state and a budget surplus of \$365 million. And Moffett is driven by a personal ambition that has sometimes interfered with his political commitment and judgment. He has also seemed at times uncomfortable with his activist image. In the early stages of his campaign, he told reporters that he hoped voters would perceive him more as a fiscally prudent banker than a liberal advocate.

Moffett tried to reassure progressives with his appointment of LEAP's original director, Marc Caplan, as campaign manager and with a steady barrage of press releases excoriating O'Neill for his lack of action on such issues as infant mortality and mass transit. The LEAP board eventually endorsed Moffett—unanimously, though with several abstentions—and gradually assumed the central organizing role in the campaign. As LEAP gained influence, Moffett's public rhetoric sharpened.

But the campaign raised serious questions for LEAP, which the coalition's leaders mulled over privately. Could the group support Moffett's effort and still work effectively on legislative campaigns? Can progressives accept whatever compromises a gubernatorial candidate like Moffett chooses to make for the sake of his personal success? Can the sort of small-scale, community-based tactics that have been so successful in legislative districts work on a statewide basis? Could LEAP support Moffett without tying its entire future to his effort? Such dilemmas are endemic to the left's participation in electoral politics. But they remain questions worth considering.

The most important lesson of the Moffett defeat for LEAP and Connecticut progressives is the difficulty of moving grass-roots activism into the back rooms of Democratic Party politics. The state's election law gave the decisive power to longtime party insiders, particularly Democratic town committee members in Connecticut's 169 towns, who chose convention delegate slates. In most cases LEAP's constituents had little influence on that inside track. Many town committees are openly hostile, sometimes even fronting primary challenges to LEAP-supported incumbents.

Despite the drain on LEAP's resources and the division among allies, executive director Nick Nyhart believes the unsuccessful Moffett campaign was a positive step for the coalition. "It forced the Governor to deal with issues he had

gnored for years, it drew out more activists into electoral politics, and it demonstrated what progressives can do even without support from elected officials."

Throughout the campaign, LEAP's leaders attempted to guard against an ever-more-likely Moffett loss by preparing an independent and ambitious legislative strategy for November to be implemented regardless of the outcome of the gubernatorial challenge. The coalition expects to endorse twenty incumbent legislators and twelve newcomers. The majority of the new candidates are alumni of LEAP constituent groups or previous LEAP campaigns. Their ranks include a former toxic-waste activist, two veterans of District 1199 and Moffett's former political director. In addition, LEAP is working to defend several incumbents such as State Representatives Taborsak and Irene Favreau against challenges from their own party and from Republicans.

Regardless of the outcome of these races, LEAP has already changed the political landscape of Connecticut. And around the country, other citizen action groups, running up against the limitations of community organizing in a hostile political climate, have initiated electoral projects. Nationally, about twenty coalitions similar to LEAP have sprung up in the past five years, some with nearly as great an impact. The Illinois Public Action Council played an important role in the elections of Chicago Mayor Harold Washington and Senator Paul Simon. In Iowa, Senator Tom Harkin was so impressed with the efforts of Iowa Citizen Action on his behalf in 1984 that he urges candidates around the country to follow the model. Citizen action-labor coalitions helped elect City Council members in Ohio.

Nyhart feels that the most important debate for LEAP will come in the next few years. As more and more LEAP candidates succeed, Nyhart says, "people will grow concerned about our role in the Democratic Party. We'll have a lot of input into the shape of the party, as opposed to being just an outside, dissenting force." □

Re 10/8/86

LOCAL 1445

A. F. L. - C. I. O.

725 South Street ★ Boston, Massachusetts 02131 ★ 327-6000 - 6001 - 6002
PAUL CROWE, PRESIDENT

PAUL DUFault, SECRETARY-TREASURER



Arthur Osborne, President
Mass. AFL-CIO
8 Beacon Street
Boston, Ma. 02108

October 7, 1986

Dear Arthur,

Thank you again for your participation in our Union's Steward Seminar.

Enclosed our Newsletter.

In Solidarity,

John
John Phinney
Vice President
UFCW, Local 1445

JP:rc

Enclosure

NABET 15

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS

8 THAYER STREET, SUITE 2B, BOSTON, MA 02118 (617) 350-7921

C

October 9, 1986

Yale Marc, President
Cinemagraphics, Inc.
100 Massachusetts Avenue
Boston, MA 02215

Dear Yale,

This letter is to confirm our agreement earlier today over the phone that there will be a Limited Letter of Agreement for an upcoming commercial for Governor Dukakis. It is further agreed that Cinemagraphics will book a complete NABET crew for the job.

Also, please confirm as soon as possible that the job is scheduled for October 15 and 16. I will prepare and deliver the LOA, perhaps when you have your crew list put together.

O
I hope the shoot goes well.

Very truly yours,

Osborn
Rosemary D. White
Business Agent

cc: Ed Pliner, Dukakis Campaign
Arthur Osborn, Massachusetts AFL-CIO

10/10/86

C
Labor's Community Services Liaison Program



William R. Hauenstein
Northeast Regional Director
Department of Labor Participation
United Way of America

October 7, 1986

TO: PARTICIPANTS IN THE NORTHEAST REGIONAL AFL-CIO STATE
CENTRAL BODIES COMMUNITY SERVICES MEETING - AUGUST
20-22, 1986, SOUTH KINGSTOWN, RHODE ISLAND

FROM: BILL HAUENSTEIN

SUBJECT: FOLLOW-UP

Thank you for your participation in the Northeast Regional AFL-CIO State Central Bodies Community Services Meeting and for sharing your information, ideas and successes.

As requested at the meeting, I am notifying all state federations in the Region of the tentative plans for next year's meeting, July 29-31, 1987, to be hosted by the Maine AFL-CIO at a location to be determined in that beautiful state.

If these dates conflict with any anticipated meetings or functions which might prevent your participation, please notify me so alternate dates can be pursued.

I'm sure each of you joins me in thanking the Rhode Island AFL-CIO and President Ed McElroy for hosting this year's meeting and providing for an enjoyable and worthwhile meeting.

As well, we can look forward to next year in Maine for an equally valuable opportunity to discuss the AFL-CIO Community Services Program, thanks to President O'Leary.

WRH/jdc

cc: State AFL-CIO Presidents (NE Region)
Ray Andrus
Jordan L. Biscardo
Humphrey Donahue
Frank W. Emig
John F. O'Malley
Walter Waddy

Bill



ARTHUR,

I'm certain you are aware
that Shannon has phoned you
several times to personally
thank you but each time found
you out. She is very grate-
ful.

Louis Leopold

Northampton Labor Council A.F.L.-C.I.O.

2 CONZ STREET

NORTHAMPTON, MASSACHUSETTS
01060
413-527-2332

8

C
Copy "It's where you belong."
to Jim S. Rich
JIM S. RICH

September 30, 1986

Arthur Osborn, President
Mass. AFL-CIO
8 Beacon St.
Boston, MA. 02108

Dear Arthur,

In response to your requests, this Council has voted \$50.00 for the Mail-In Registration COPE Fund and \$100.00 for MassCOSH. Checks are enclosed. Please forward them to the proper people. The Council also voted, as per your request, the sum of \$300.00 to Holyoke IUE Local 276 Strike Fund. I will be passing that check on to the local president, Martha Dolat, who lives in Easthampton.

I want to again thank you for all you have done personally for the Shannon O'Brien campaign and all that the AFL-CIO has done. We are certain that without you and the AFL-CIO there is every likelihood that the campaign would have ended otherwise. We had the odds going against us, with three Easthamptoners dividing the local vote against against one candidate from the largest community. We did extremely well in Easthampton, getting out 1200 more voters than normally vote in Easthampton in a primary. We also did very well in Hadley. We didn't do as well as we had expected in South Hadley but the other two made up for it. Thanks again and please pass thanks on to Rich Rogers, who did an excellent job, and Jim Shaw.

We still have opposition in the general election, from an independent.

With best wishes,
Louis Leopold
Louis Leopold
Secretary-Treasurer

JL/RW
C: 2



FRANKLIN AND HAMPSHIRE COUNTIES



The Boston Park Plaza Hotel & Towers

Overlooking The Public Garden and Boston Common

Sales and Catering Offices

On Park Plaza at Arlington Street, Boston, Massachusetts 02117
Telex 940107 • Telephone (617) 426-2000

October 7, 1986

Refr to
Communication
H. E. C.

Mr. George Carpenter
MASSACHUSETTS AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear George:

On behalf of the staff and of the management of the BOSTON PARK PLAZA HOTEL AND TOWERS, I would like to thank you for the opportunity of serving the MASS AFL-CIO Catered functions, September 30-October 3, 1986.

I hope that each and every detail of service was carried out to your complete satisfaction, and that you and your guests enjoyed the occasion as much as we enjoyed serving you.

I look forward to serving you in the near future.

Sincerely,

Kathy (je)

Kathleen E. Sheehan
Assistant Director
of Catering

KES/jb



The Commonwealth of Massachusetts

Industrial Services Program

MICHAEL S. DUKAKIS
GOVERNOR

PAUL J. EUSTACE
SECRETARY OF LABOR

JOSEPH D. ALVIANI
SECRETARY OF ECONOMIC AFFAIRS

PATRICIA HANRATTY
EXECUTIVE DIRECTOR

September 29, 1986

Mr. George Carpenter
Secretary-Treasurer
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Mr. Carpenter:

Per our discussion on September 29, 1986:

- DES will contact the union and employer simultaneously during investigation of RAB certification.
- On Worcester Controls, DES will verify, employee by employee, re-employment at Worcester Controls and the actual number of people previously employed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Hanratty".

Patricia Hanratty
Executive Director

PH:lss

cc: Kristin Demong
Marlene Seltzer

From the desk of....

GEORGE E. CARPENTER, JR.
Secretary - Treasurer
Massachusetts AFL - CIO

10/7/86

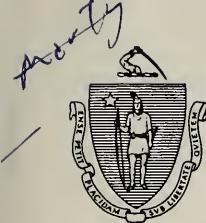
TO: Bill Irvin

Dear Bill:

I thought you might want to see a copy of the
attached.

Fraternally,

opeiu-6
afl/eio
enc.



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE

DISTRICT ATTORNEY FOR MIDDLESEX COUNTY

CAMBRIDGE 02141

SCOTT HARSHBARGER
DISTRICT ATTORNEY

(617) 494-4050

October 1, 1986

Mr. Arthur R. Osborn
President
Massachusetts/AFL-CIO
8 Beacon Street
Boston, MA 02108

Cushner
Dear Mr. Osborn:

I would like to take this opportunity to thank you for endorsing my candidacy for a second term as District Attorney of Middlesex County. I believe that this recognition of our efforts and accomplishments during the last four years sent an important message to your members and the public that we had earned their votes for reelection.

During my first term, we have demonstrated that a solid, aggressive, professional prosecutorial performance by a modern, expanded district attorney's office can make a significance difference. But there is much more to do if the crucial reforms we began, changes we have made and the results we have achieved are to continue and be fully realized.

My major objective as District Attorney will remain what it has been since I was elected in 1982: to do all I can to restore the confidence of the public in the ability of law enforcement and the criminal justice system to protect them and improve the quality of their lives, while preserving our unique heritage of constitutional rights and civil liberties.

Again, I thank you for the endorsement of your organization. I would also like to express my gratefulness to the citizens of Middlesex County for allowing me this opportunity to serve them. We will continue our efforts on their behalf.

Sincerely,

Scott
Scott Harshbarger

*It means a lot to me.
Thank you.*



The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

MICHAEL F. FLAHERTY
VICE CHAIRMAN
COMMITTEE ON JUDICIARY

September 15, 1986

Mr. Arthur R. Osborn, President
Massachusetts State Labor Council
6 Beacon Street, Room 720
Boston, Massachusetts 02108

Dear Mr. President, *Arthur*

Thank you for your kind endorsement of my candidacy for re-election to the House of Representatives. I am truly fortunate to have such a large number of friends and allies like yourself. I also extend my gratitude to the members of the Massachusetts Council.

During my years in the Legislature, I have always kept the interests and concerns of working men and women in mind; the endorsement of the Massachusetts Council of the AFL-CIO gives me great satisfaction in signifying that I have met those same interests and concerns.

Again, thank you for your kind endorsement. I look forward to the accomplishments our continued cooperation will bring.

With warm wishes and personal regards, I remain

Very truly yours,

Flaherty
MICHAEL F. FLAHERTY
VICE CHAIRMAN
COMMITTEE ON JUDICIARY

MFF:g



ELMER C. BARTELS
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Human Services
Massachusetts Rehabilitation Commission

Statler Office Building
20 Park Plaza
Boston. 02116

September, 1986

Dear Friends:

This fall, MRC is launching a disability-awareness project targeting Massachusetts school children and the adult population.

The Year of Opportunity for Able Disabled People will run until the end of the school year. Our goal is to help Massachusetts students and adults in their recognition of individuals with disabilities as people able to lead productive lives within the community--as students, as working people, and as family members and family providers.

There will be a gubernatorial proclamation for the "Year," and we hope to involve many communities and companies in proclamations and other educational activities.

Enclosed is an outline of the project, its goals, and some highlights.

An important part of the project will be the dissemination of resource materials, statewide, including recommended readings, films, and videos on loan through the MRC Library. We are organizing a Speakers' Listing so that students and adult groups can request a program, either general or specific, and MRC will assist in the coordination of a panel or personal presentation by an individual with a disability.

We seek your advice and suggestions regarding resource material which would be appropriate from your organization. MRC, through its consumer contract will be able to pay a modest consultant's fee to those speakers with disabilities who participate. Clearly, we cannot now predict the number of speaking requests we might receive.

In order to generate discussion and a sharing of ideas, we are planning to conduct three informal brown-bag lunchtime seminars--you bring lunch, we supply dessert and coffee. The enclosed flyer tells the brown-bag story.

I hope you will be able to attend one of the brown-baggers or send a representative of your organization. If there is not one convenient for you, please call me or Dick Dennison, 617 727 2182 or 2175, or drop a line and share suggestions and materials for our resource packet.

Sincerely,

'Pat' Baker

Pat Baker
Marketing Department

Enclosures

YEAR OF OPPORTUNITY FOR ABLE DISABLED PEOPLE

Please come to our Brown Bag lunch . . .
Three locations.....one is right for you.....

(you bring lunch...we supply dessert and coffee)

Please bring your resource material or listings of your available material. MRC has facilities to duplicate 3/4" videos for distribution via our library, if that would be easier for you; we will, of course, be happy to list your resources, address and phone number(s) throughout Massachusetts, as you wish.

---IF OUR TIME FRAME IS NOT RIGHT FOR YOU, WE'LL STAY LATER!!!

BB #1: Monday, October 6, 1986 12:00 to 1:30

MRC Conference Room, 11th floor, 20 Park Plaza, Boston
(Statler Office Building)

BB #2: Wednesday, October 8, 1986 12:00 to 2:00

Human Service Center, Lakeville Hospital, Lakeville

Directions: Route 495 South, to Exit 4--to Route 105---
Follow Lakeville Hospital signs to parking
area. BB is in the large classroom, located
in the Human Service Center (also called
Nurses' Building) in the rear of Lakeville
Hospital. The classroom is on the first floor,
East Wing.

BB #3: Tuesday, October 14, 1986 1:00 to 2:30

Sheraton Hotel, Sturbridge (617 347 7393)

Directions: From Mass. Pike, take Exit 9...About 1/4 Mi.
from toll booth, take Exit 4W to Route 20....
Go straight through traffic lights...hotel on right.

.....
TO: MRC Marketing Dept. 11th floor, 20 Park Plaza Boston 02116

_____ I will attend or send a representative to BB # _____.

_____ Although we cannot attend your meeting, we are
happy to enclose material for your use.

OTHER COMMENTS: _____

Signed: _____ Phone: _____

Representing: _____

_____ I request an interpreter for the deaf community.



UNITED HOME AND HEALTH CARE WORKERS

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1475, AFL-CIO, CLC
169 MASSACHUSETTS AVENUE, BOSTON, MA 02115

TEL. (617) 266-7103

October 1, 1986

John: Hope you can come!

Wife

Dear Friend,

Workers at the Coolidge Corner Convalescent Center, a large for-profit nursing home in Brookline, recently decided to form a union to address issues of understaffing, lack of supplies, inadequate benefits, high turnover and disrespectful treatment and to improve the quality of patient care.

On September 15, a group of employees approached management demanding a fair election to establish the union's majority status, but they were chased off the property and told "you'll all be fired." True to their word, the home suspended two union activists on the night shift, Carlissa McKay and Karen Clinkscales, a few days later. The union, SEIU Local 1475, reacted quickly and staged a candlelight protest attended by nearly one hundred members, allies and supporters.

The very next day Carlissa and Karen had their jobs back again! This is a great victory; it shows what a little well-timed public outcry can accomplish. It does not, however, mean that management has now seen the light and mended their ways. In fact, the reign of terror inside the facility -- interrogating workers about union activity, hassling immigrant people (Haitian and Cambodian) for their green cards and holding frequent "captive audience" meetings -- has only intensified. The employer has also hired the notorious union-busting New York law firm, Jackson, Lewis, Schnitzler and Krupman, a further signal of their intention to fight tooth and nail to defeat the workers' organization.

The mostly female and minority workers at Coolidge Corner need your help to win. We must keep up the public pressure from the outside to let workers know that they are not alone and to let management know that they are being watched.

Local 1475 has called for a rally and picket line for next Thursday night, October 9th, at 7 P.M. at the nursing home, 30 Webster Street in Brookline, to push our demand for a fast a fair election. We hope that you can join with us (and bring some friends along too). For more information, call me at 266-7103.

Thanks. And see you on the 9th!

Sincerely,

Marguerite Farrell

The Brookline Standard

Volume 3, Number 18

25 cents • 34 pages

Union battle intensifies

Organizers reinstated after demonstration

By John Heyes

Union organizers are claiming victory after a two workers active in the union.

The Coolidge Corner Convalescent Center, 30 Webster St., suspended Karen Clinkscale and Carlisa McKay last Wednesday, charging the employees had gone through a patient's belongings.

The action came two days after Service Employees International Union (SEIU) officials and nursing home workers staged a job action to demand fair and just union elections at the facility, which opened in 1964.

Union officials responded to the suspensions by organizing a Monday candlelight vigil outside the nursing home and scheduling an all-day picket for September 30.

Some 50 nursing home employees attended the vigil, listening to local politicians, union activists and former congressional candidate Mel King denounce the nursing home administration for the suspensions.

Local reps. rip nursing home

By John Heyes

Coolidge Corner Convalescent Center administrators were roundly criticized for their decision to suspend two union activists last week.

During a candlelight vigil outside the 30 Webster St. facility on Monday, union activists, local political leaders and former congressional candidate Mel King blasted the nursing home administrators for the action, taken two days after workers staged a job action.

"An injustice has been done," said Representative Eleanor Myerson (D-Brookline). "People in these types of jobs are among lowest paid and most poorly treated employees," she said. "Yet they have some of the most sensitive jobs in our society. We have to support these people."

Representative John A. Businger (D-Brookline) said the nursing home's action is an attack on established way of life.

"Union organizing is a traditional principle," Businger said. "All too often we have to teach it again in the

On Tuesday, nursing home administrators announced that the two employees had been reinstated, but refused to discuss the reasons for their actions.

"This is the first of many victories for the union," said Maggie Farrell, organizer for SEIU Local 1475. Nursing home Administrator James Newsstadt refused to discuss the charges against the employees or details of the nursing home administration's investigation, saying it was an "internal" matter.

But the administrator said he nursing home is not taking back its allegations about the two employees. "It doesn't mean the charges were wrong," he said. "Just that we are giving them a second chance."

Nursing home officials said they had received a complaint from a resident saying two women entered her room and were "looking through their things." The

See Union, page 9

Coolidge Corner Convalescent Center worker Mark Parker (right) joins in a candlelight vigil marking the suspension of two workers. Below, Karen Clinkscale (middle), and Carlisa McKay (right), the two suspended workers, sing chants at the vigil.

PHOTO BY CHRIS STANLEY



Union

continued from page 1

nursing home never filed formal charges with the state Department of Public Health.

The two employees vigorously denied the charges Monday, calling the accusations "vicious lies" to stop their union activities.

Farrell said the charges against the two employees were another attempt to intimidate union-forming employees. Farrell also said administrators were "confronting" employees and "telling lies" about the union.

Another organizer, Mark Parker, says he has been intimidated by nursing home administrators since getting involved in union activities. "Since the union came, they feel I'm not doing a good job," he said.

But Parker said "all the intimidation in the world" won't stop him from his union activities. "We have to stand up for what we believe is right."

Newstadt refused to comment on the charges.

continued from page 1

and again. It is time-honored and should be respected even by people who disagree."

King, a former Boston mayor and congressional candidate, said working conditions for employees at the nursing home reflected a "deep seated sickness," saying the workers are poorly treated because they are minorities and women.

Other speakers said the nursing home should welcome the union, saying it would help improve conditions for its patients.

"Good management has nothing to fear from a strong union," said Edith Brockman, whose mother is a nursing home patient.

The workers pledged to remain united, despite fears of retaliation by management for their union activities.

Local

continued from page 1



PHOTO BY CHRIS STANLEY

United Front

Workers at Coolidge Corner nursing home call for a union

By Anne Kinnane

The work environment is getting nasty at the Coolidge Corner Convalescent Center, where workers last week announced their intent to unionize, says union organizer Maggie Farrell.

Since the employees' action Monday afternoon, some Cambodian employers have been asked to show their passports and green cards and two activists were suspended for allegedly going through a patient's drawers. Farrell says, "Physical therapist assistant Mark Parker says management is starting to change some of the rules around the center as a way to harass employees."

Employees charge that they face poor working conditions due to insufficient supplies, such as plastic gloves, diapers and bedding material, and understaffing.

According to Parker, who has worked at the two-year-old center for a year and a half, the ratio of aides to patients is between nine and 12 patients to one aide. He says additional patients have come into the center since the home started accepting Medicaid reimbursement about a month ago. But he says no additional staff people have been hired. Farrell says an acceptable ratio is clos-

er to four to one or five to one.

Virginia Marchand, the center's director of nursing, says the employees' charges "are unfounded." She declines to comment any further since the matter is before the National Labor Relations Board and says the management would prefer not to have it "fought through the press."

Tensions at the center rose last week when more than a dozen employees and Farrell attempted to present a letter declaring the employees' intent to join Local 1475 of the Service Employees International Union (SEIU) to the center's owners, who were waiting for the workers on the front steps of the home. According to Parker, a newspaper reporter inadvertently tipped off the center's managers by inquiring about union activity earlier that day.

According to Farrell, the employees were met with shouts of protest from the centers' owners, who threatened to call the police if the workers did not get off the property. When one of the owners would not accept the letter, Farrell says she placed it at his feet and the owner kicked it.

"They were acting like children," she says. During the confrontation, employees say, one of the owners shouted that all the workers would be fired if

Employees say they are presently allowed one week paid vacation if they pay for benefits . . . If they opt for no benefits, they do not get any paid vacation.

By Anne Kinnane

While employees say it is too early to know what they would demand in their contract, one issue the hope to address is medical benefits. Parker says employees are filing a complaint of unfair labor practice with the National Labor Relations Board, but adds that no one has been fired since that statement. She says a letter from the owner apologizing for the threat was posted on all floors of the center later in the week.



PHOTO BY CHRIS STANLEY
Coolidge Corner Convalescent Center employees Mark Parker and Mary Jones discuss poor working conditions with union organizer Maggie Farrell.

Union drive at Coolidge Corner nursing home

Name _____

Will Attend [] Will Not Attend []

The I.L.G.W.U. Caucus Dinner

Wednesday, October 1, 1986

Room 406, Boston Park Plaza
Hotel.

Cocktails at 6:15 p.m.

Dinner at 7:00 p.m.

NEW ENGLAND REGION



33 Harrison Avenue, Boston, Massachusetts 02111

Tel. (617) 426-1515

JAY MAZUR
PRESIDENT

IRWIN SOLOMON
SECRETARY-TREASURER

RONALD ALMAN
VICE PRESIDENT-DIRECTOR

CONNECTICUT
MAINE

MASSACHUSETTS

NEW HAMPSHIRE

RHODE ISLAND

VERMONT

Mr. George E. Carpenter, Jr. Sec.-Treas.
Mass. State AFL-CIO
8 Beacon Street
Boston, Ma. 02108

Dear George:

You are cordially invited to attend the
I.L.G.W.U. Caucus Dinner to be held at the
Boston Park Plaza Hotel, Room 406, Wednesday
October 1, 1986.

Cocktails will be at 6:15 p.m. and dinner
to follow at 7:00 p.m.

Please fill out the enclosed response card
as to whether or not you will attend.

Yours very truly,

Ron Alman
Ronald Alman
Director

RA/jb

Refer to
Concordance
P. A. C.

September 18, 1986

NORTH SHORE LABOR COUNCIL - AFL-CIO

679 Western Ave.
Lynn, Ma. 01905



Serving:

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LYNNFIELD	TOPSFIELD
MANCHESTER	WAKEFIELD
MARBLEHEAD	WENHAM
MIDDLETON	

TO: DELEGATES, NSLC
FROM: MARY K. CONLON, SECRETARY
DATE: SEPTEMBER 13, 1986

*Ref t
Comm 10/1
1-8-86*

MEETING ANNOUNCEMENT

The regular meeting for the month of September will be held on Wednesday, September 24, 1986 at the Lynn Teachers Union at 679 Western Avenue, Lynn, Massachusetts.

AGENDA

1. Minutes of previous meeting
2. Regular business
3. Communications
4. Scholarship donation reminder *
5. Union label drawing
6. Adjournment

*Thank you to the locals who have made their scholarship donation for this year:

Lynn Typographical Union, Lynn Teachers Union, Salem School Employees, Lynn School Employees, and Professional and Technical Engineers.

N.B. PLEASE SEND UPDATED LIST OF DELEGATES' NAMES, ADDRESSES AND TELEPHONE NUMBERS TO NSLC. SEND ALL CORRESPONDENCE AND DUES TO:

NORTH SHORE LABOR COUNCIL
c/o LYNN TEACHERS UNION
679 WESTERN AVENUE
LYNN, MA 01905

FORGET ME NOT
AMERICAN GREETINGS
© MCMXXVIII AMERICAN GREETINGS CORP
PM 2925-1J



To:
AFSCME Local 1730

For Political night

Date Thursday Oct 23 1986

Time 7pm - 10pm

Place Allen Guest Restaurant

Rte 114 Danvers, Mass



*The Commonwealth of Massachusetts
Executive Office of Labor
One Ashburton Place--Room 2112
Boston, Ma. 02108*

MICHAEL S. DUKAKIS
GOVERNOR

PAUL J. EUSTACE
SECRETARY

September 29, 1986

*Mr. & Mrs. Carpenter
Mass. AFL-CIO Convention
Sept. 2-4*

Mr. George Carpenter
Secretary/Treasurer
Mass. AFL-CIO
8 Beacon St., 3rd floor
Boston, MA 02108

Dear George:

I am writing to send my regrets that I am unable to join you at the annual AFL-CIO Convention.

This annual gathering is vital to labor since it brings together all AFL unions to share ideas, information, and a feeling of solidarity. Because of the importance of the Convention, I truly regret that I am unable to attend.

It is my hope that the Convention will be most enjoyable and productive and that it will bring people together in harmony and solidarity.

Sincerely,
Paul
Paul J. Eustace
Secretary of Labor

PJE/sd



C

ההסתדרות הכללית של העובדים בארץ ישראל
NATIONAL COMMITTEE FOR LABOR ISRAEL-HISTADRUT
33 East 67th Street New York, N.Y. 10021
(212) 628-1000 Telex: 4991969

September 22, 1986

Dear Colleague:

We have just been informed by **Israel Kessar, Secretary General of the Histadrut**, that he must lead negotiations for the industrial sector of workers in Israel, and therefore must alter his plans concerning his visit to the United States.

Mr. Kessar's participation in these vital negotiations is part of Histadrut's ongoing efforts and contributions to the economic recovery of the State of Israel.

Regrettably, we must postpone the Special Meeting of the National Council of the National Committee for Labor Israel-Histadrut, which was originally scheduled for Thursday, October 16, 1986.

Please accept our apologies for any inconvenience, and we appreciate your understanding.

We are eagerly looking forward to rescheduling this Special Meeting and hope you will join us at that time.

Wishing you and yours **Shana Tova (Happy New Year in Hebrew)**,
I am,

Yours,


Eliezer Rafaeli
Executive Vice President

ER:js

September 15, 1986

Dear Brothers and Sisters:

Union families are families made up of men, women and children who live and work in many communities. As a union member, you are aware of the tremendous contribution labor has made to communities across the country. You also know that, in working to improve the quality of life for our brothers and sisters, we strive to create a better life for all.

While the welfare of its members is the primary concern of the labor movement, we recognize that the well-being of our membership depends on the health of our society at large. That is why organized labor supports the work of the United Way.

The United Way exists in the United States, just about anywhere you happen to live. United Way volunteers, people like you, raise money, study local needs, determine which local services and programs help meet those needs, then distribute the money where it can do the most good. So, when you contribute to the United Way, you know your hard-earned dollars are used wisely and well.

The programs and services of the United Way are so diverse that our members are being helped continuously during good and bad times. With the help of organized labor, and with your generosity, United Way will always be there.

This year, when you are asked to give to United Way, I urge you to be generous. You have a stake in your community, and United Way helps make sure it's a healthy community.

Sincerely,



William H. Wynn
International President

HEALTH PLANNING COUNCIL FOR GREATER BOSTON, INC.

November 10, 1986

Philip W. Johnston
Secretary
Executive Office of Human Services
One Ashburton Place
Boston, Massachusetts 02108

Dear Secretary Johnston:

I am writing concerning the Lahey Clinic Certificate of Need and the proposed timetable for its review. It is scheduled to be reviewed by the Public Health Council on November 25, 1986. This schedule creates a serious obstacle to the Health Planning Council's participating in the review process and to the Public Health Council hearing our views. It also limits the opportunity to have input from ten taxpayer groups.

We have asked Mr. John O'Donnell, the Program Director of the Determination of Need Program, for an extension of time of approximately one month. He replied that he could not approve an extension without the "concurrent agreement of high authority". We have worked closely with the DON Office for many years. This is the first time we have had any problems coordinating our review schedule with the DON Office.

The Health Planning Council's review of Lahey is being done as fast as possible while still being consistent with our own Policies and Procedures. We must give all applicants the "due process" contained in our written policies. We held our first review meeting within weeks of notification by the Department of its acceptance of the Lahey DON. At that meeting on October 27, 1986, the Lahey Clinic was asked a set of questions which they are now researching. Our Review Committee will next meet to vote on the Lahey application on November 24, 1986. Our Board will vote on December 3, 1986.

If the Public Health Council acts on Lahey on November 25, 1986, it will be the first time in fourteen years that the Council will have acted without the input from the Health Planning Council for Greater Boston on an application that has been seriously studied at the local level.

The Health Planning Council has been actively involved in reviewing the previous two Lahey applications. There has never before been a problem with the process. The Health Planning Council should not be prevented from presenting its comments to the Public Health Council, particularly when so

Suite 635, 294 Washington Street, Boston, Massachusetts 02108 Telephone (617) 426-2022

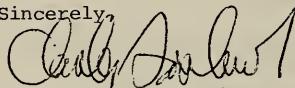
Officers	President Lewis W. Pollack	Vice Presidents Phyllis J. Miller, R.N. William A. Reilly, Jr.	Treasurer Gregory Bulger	Secretary Herbert P. Gleason	Executive Director Charles L. Donahue, Jr.
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Philip W. Johnston
November 10, 1986
Page Two

much time has been spent on the Lahey review. The Public Health Council's review will be less complete if this time they are not allowed to hear from the Health Planning Council.

We would appreciate your asking Mr. O'Donnell to give us a short extension so that the Public Health Council will have access to all the information available.

Sincerely,



Charles L. Donahue, Jr.
Executive Director

CLD/anr
cc: Parties of Record

C

CONE & COMPANY, INC.
Public Relations
Marketing Communications
61-63 Chatham Street
Boston, Massachusetts 02109
(617) 227-2111

November 10, 1986

Dear Innovative Manager:

Last January, you joined with Governor Dukakis and about 200 other business leaders from around Massachusetts for a Conference on Innovation at the State House. Your attendance at that Conference signified both an interest in, and a commitment to, managing innovation and creativity in today's competitive business world.

As a visitor to the Governor's Conference, I was intrigued by what I saw. Several of my clients and business acquaintances were in attendance, and all expressed a similar interest in finding ways to harness the creativity of their employees, and to manage innovation. And that is why they, and I think you, too, will be interested in watching a segment about business creativity and innovation on ABC-TV's "20/20" this Thursday night, November 13.

The piece, which will be hosted by ABC's Lynn Sherr, features the innovative consulting and production work of several Massachusetts-based companies, including Synectics^R, Inc. and Spinnaker Software (both of Cambridge), and Gillette (of Boston). 20/20 airs locally on Channel 5 at 10:00 p.m.

I hope you will set aside the time to watch. It should prove to be an entertaining and informative evening, and one which will stimulate further dialogue about innovation and creativity among Massachusetts businesses.

Sincerely,



Carol L. Cone
President

0189d/JD

U.S. Department of Labor

C

Occupational Safety and Health Administration
16 - 18 North Street
1 Dock Square, 4th Floor
Boston, Massachusetts 02109

Reply to the Attention of:



Nov. 10, 1986

Massachusetts AFL-CIO
8 Beacon St.
Boston, Ma. 02108

Dear Sirs:

In reply to your letter of Nov. 14, 1986 announcing the scheduling of a meeting of the members of the health and safety committee to be held on Nov. 19, 1986 please be advised that I will be unable to attend due to a prior commitment.

Sincerely,

Edward Eagan

EDWARD EAGAN
Labor Liaison

CLUW Membership Meeting

Thursday, November 20, 7:00 P.M.

District 65/UAW Office, 5th floor

636 Beacon St., Boston (Kenmore Sq.)

**(upstairs from L'il Peach, opposite
Kenmore Square T Station)**

AGENDA:

- 1. Main Program: Organizing around Childcare in the Workplace.** Speakers from IUE Local 201 and District 65/UAW will present information on various child care options to bargain for in contract language, including:
 - a) resource and referral systems**
 - b) Dependent Care Assistance Programs (DCAP tax savings)**
 - c) voucher plans**
 - d) cafeteria benefit plans**
 - e) on-site child care centers**
- 2. Report from CLUW Convention in St. Louis (Nov. 7-10)**
- 3. Plans for Martin Luther King Day CLUW chapter Event (New Years kickoff event)**
- 4. Committee Reports**
- 5. Sexual harassment training**
- 6. Announcements:**
 - a) Parental leave**
 - b) Working Women's Health Project**
 - c) OPEIU organizing drive**

GUIDE TO REPRESENTATIVES OF COMMUNITY GROUPS WRITING LETTERS OPPOSING LABOR
DEPARTMENT PROPOSAL TO PERMIT INDUSTRIAL HOMWORK IN THE 6 INDUSTRIES IN
WHICH IT IS NOW PROHIBITED

1. Letters should be addressed to:

Paula V. Smith
Administrator, Wage and Hour Division
U. S. Department of Labor
Rm. S3502
200 Constitution Ave., NW
Washington, D.C. 20210

2. Letters should indicate the writer is responding to the request for
comments that appeared in the Federal Register on August 21, 1986 (51 Fed.
Reg. 30036)

3. Letters should identify the writer in terms of:

Name and Address of community group.
Nature of organization & population represented, etc.
Number of members.

4. Letters need to make two basic points to bolster the legal aspects of the
case against the Labor Department plan.

The writer should state opposition to the Labor Dept. plan to grant
certificates permitting employment of homeworkers to employers that
register, and not merely oppose homework in general terms.

The letter should specifically refer to the 6 industries involved in
the Labor Department proposal and indicate that the writer is dealing
with those industries. The 6 industries are: women's apparel, glove
and mitten, handkerchief, embroideries, button and buckle, and
jewelry.

5. Among points that can be made in the letter are:

a. The writer knows that the certification process will not work.
History shows that regulation of homework is impossible. False
record keeping is universal among homework employers. Many certified
employers will disclose only part of their homework force; names of
undocumented workers will be kept off the books as at present. The
Labor Department will be unable to police even those few employers
that register. It will certainly be powerless to deal with the large
mass of employers that do not register and continue to give out
homework illegally.

b. Homework will be given a seal of approval by the Labor Department
proposal that it does not now enjoy. The violation will be reduced
in essence to a purely administrative act — the failure to secure a
certificate.

c. The writer can indicate that factory employers are required to meet
expenses such as rent, machinery, and power that homework employers
do not have to pay, in addition to paying higher wages and fringe
benefits. The writer can indicate that the homework employer unfairly
competes with factory employers.

Attached is a sample letter incorporating the points made above. Please
modify the sample letter before mailing so that the submissions vary.

SAMPLE LETTER FOR COMMUNITY GROUPS OPPOSING HOMEWORK

Paula V. Smith
Administrator, Wage and Hour Division
U. S. Department of Labor
Rm. S3502
200 Constitution Ave., NW
Washington, D.C. 20210

Dear Ms. Smith:

I am writing in opposition to the proposal to permit employment of homeworkers by employers in the women's apparel, glove and mitten, handkerchief, embroideries, button and buckle, and jewelry industries that secure certificates from the Department of Labor (Federal Register August 21, 1986).

I am [officer of (name of organization). State briefly what you do or who you represent.].

The (women, poor people, minority workers) we represent are already subject to exploitation or discrimination in society and in the workplace. The last thing they need is to have the doors thrown open wide to unregulated exploitation by industrial employers in their own homes. It is inconceivable that the government could provide adequate inspection or enforcement of minimum wage, child labor or overtime legislation in thousands of scattered home workplaces. Many of the people we represent could use better low-cost daycare, flextime or part-time work with benefits, or simply a well-paying decent job. But the desperation of some people for work is no excuse for restoring extreme forms of exploitation that were rightly outlawed in this country years ago.

Certification cannot work. A mere handful of employers will register and receive certificates. Even with the knowledge that these firms utilize homeworkers, the Labor Department does not have, and will not have, a staff adequate to inspect all of these employers and to investigate all of their workers. History has shown that homework employers, even if legally permitted to use homeworkers, invariably keep false records and violate minimum wage and hours provisions of federal and state laws. If a worker is contacted, the inspector will unlikely be able to determine adequately whether the law has been complied with. And if back wages are due workers where violations are found only a small number are likely to ever receive them.

Meanwhile, permitting certified employers to engage in industrial homework will stimulate and promote the vast majority of homework employers who will not register to operate outside the law. Their homeworkers, like those of certified employers, include many undocumented immigrants who cannot withstand exposure. The Labor Department plan appears to put a seal of approval on the use of homeworkers by all employers by stressing the registration aspect rather than homework itself. Inadequate enforcement personnel makes location and inspection of uncertified employers almost impossible.

Rather than allow homework in the 6 affected industries, the Labor Department should step up its enforcement of current regulations and prevent illegal homework operations from destroying legitimate businesses. I urge the Labor Department to reconsider and withdraw its proposal.

Women at Risk in the Workplace*

Tuesday, December 2, 1986 • 7:30 P.M.

Temple Israel
Longwood Avenue and the Riverway, Boston

PROGRAM

Moderator: Rose Goldman, M.D., M.P.H. Division of Occupational Hygiene and Director of Occupational Health, Cambridge Hospital

Panel: Lisa Gallatin, Director, Office Technology Education Project
"Office Technology and Office Workers: Health Hazards and Stress on the Job"

Cathy Schwartz, R.N., Chair, MassCOSH Women's Committee, and Coordinator, Occupational Health Clinic, Cambridge Hospital
"Hazards and Health Care Workers"

Laurie Sheridan, Machinist, Women's Committee, IUE 201; CLUW (Coalition of Labor Union Women)
"Pregnancy and Work"

Wrap-Up: Nancy Lessin, Director, MassCOSH (Massachusetts Coalition for Occupational Safety and Health)
"Strategies for Action"

SPONSORS

Jewish Labor Committee/Northeast Region
Massachusetts AFL-CIO
Jewish Vocational Service
MassCOSH (Massachusetts Coalition for Safety and Health)
Harvard Educational Resource Center in Occupational Safety and Health
Executive Office of Labor

CO-SPONSORS

AMIT WOMEN • B'nai B'rith Women • Boston Chapter of Hadassah
CLUW (Coalition of Labor Union Women) • NA'AMAT USA
National Council of Jewish Women • Women's American ORT-Eastern Massachusetts Region
Women's Issues Committee, Jewish Community Relations Council of Greater Boston
—in cooperation with—
The Social Action Committee, Temple Israel, Boston

*A conference made possible by a grant from the Julius Bernstein Memorial Foundation in memory of Julius Bernstein, a long-time leader in Jewish communal service, former Regional Director of the Jewish Labor Committee and former President of the Boston Housing Authority.

27

Jewish Labor Committee
33 Harrison Avenue
Boston, MA 02111

(617) 350-7969

I will attend the December 2, 1986 Conference on "Women at Risk in the Workplace."

Name _____

Address _____

Telephone _____



ALERT

ALERT

ALERT

Dear Colleague,

On Tuesday, November 18th, the International Institute of Boston will sponsor a public information briefing on the recently passed immigration legislation, the Immigration Reform and Control Act of 1986. The briefing will be held at:

The International Institute of Boston
287 Commonwealth Avenue
Boston, MA 02115
(617) 536-1081

1:00 p.m. - 4:00 p.m.

The Speaker for the session will be:

Dale Frederick Swartz, President
National Immigration, Refugee & Citizenship Forum
Washington, D.C.

The November 18th meeting will address:

- A discussion of the Immigration Reform and Control Act of 1986
- Update on Implementation Planning
- Issues for Institutions Providing Services to Aliens
- Unfinished Business: Legislative & Advocacy Priorities for 1986

There will be a \$3.00 charge

SEATING IS LIMITED

Please reserve in advance - RSVP to Mandy Lovell (536-1081)

THE INTERNATIONAL INSTITUTE OF BOSTON

287 COMMONWEALTH AVE., BOSTON, MA 02115 (617) 536-1081

Mr. Arthur Osborn
AFI-CIO
8 Beacon Street
Boston, MA



8 ✓

Benny Krol, Treasurer
NABET, AFL-CIO
Local 18
11 Sumner Road
Salem, Ma. 01970

November 11, 1986

Massachusetts/AFL-CIO
8 Beacon Street
Boston, Ma. 02108

Mr. Arthur R. Osborne, President

On behalf of our membership, we are sending this \$200 check to help out our brothers and sisters of Laundry Workers Local 66. We are a small local in the Boston area and share your concerns. Please accept our gift to help, as support for your struggle.

In Solidarity,
Benny Krol
Benny Krol

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES AND TECHNICIANS LOCAL 18		135
PAY TO THE ORDER OF <u>Laundry Workers Local 66</u>		<u>Nov 11, 1986</u>
		53-179 113-11
<u>Two Hundred</u>		<u>00</u> DOLLARS
 Eastern Bank 270 UNION ST. LYNN, MASSACHUSETTS 01960		<i>Benny Krol, Pres. Sister Edith Pres.</i>
MEMO <u>STRIKE CONTRIBUTION</u>		
10113017981: 80 2948 2# 0135		

Greater Boston Forum for Health Action, Inc.

c/o Frank B. Hall & Co.
89 Broad Street
Boston, Massachusetts 02110
(617) 482-3100

DATE: November 10, 1986

TO: Board Directors, Alternates and Staff Affiliates

FROM: Jim Hooley, President

RE: Regular Board of Directors Meeting
Thursday, November 20, 1986
8:30 - 10:00 a.m.

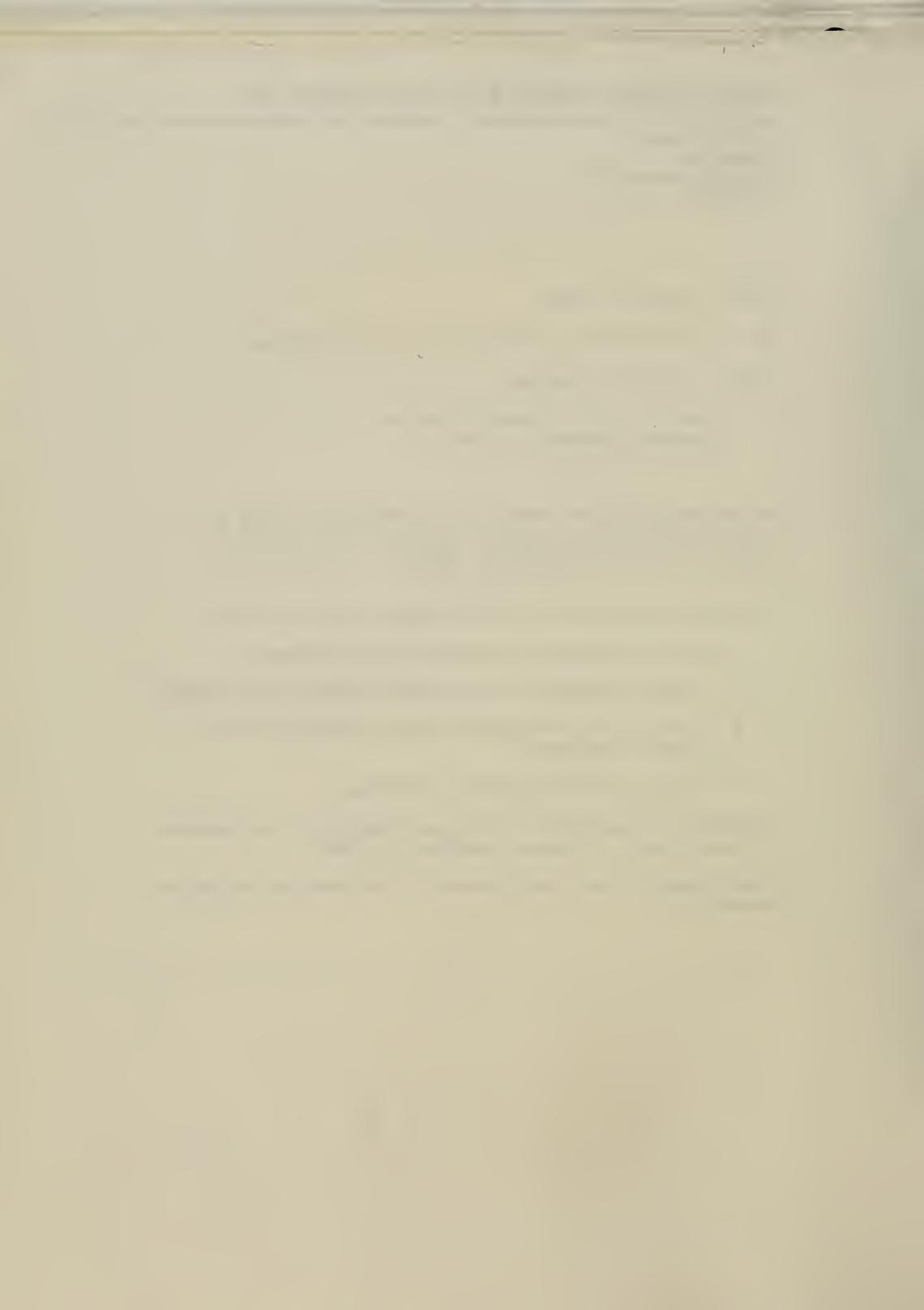
The next Helath Action Forum, Board of Directors meeting is scheduled for Thursday, November 20, 1986, 8:30 to 10:00 a.m., at the Greater Boston Chamber of Commerce, 125 High Street, Boston, MA, 9th Floor Conference Center.

The topics for discussion for this regular meeting include:

1. Health Action Forum Organization and Business.
2. Update on The Robert Wood Johnson Foundation/CPAHC Grant.
3. Update on the Planning/Study Group Structure for the Forum's 1987 Agenda.
4. Status of Study Commission Activities.

In addition, I would like to call your attention to the schedule of regular Board of Directors meetings for 1987.

I look forward to your participation at the Directors meeting on November 20.



Greater Boston Forum for Health Action, Inc.

c/o Frank B. Hall & Co.
89 Broad Street
Boston, Massachusetts 02110
(617) 482-3100

AGENDA

BOARD OF DIRECTORS MEETING
THURSDAY, NOVEMBER 20, 1986
8:30 to 10:00 a.m.

I. MINUTES

Regular Board of Directors Meeting, September 12, 1986.

II. TREASURER'S REPORT

Statement of Financial Position, September 30, 1986.

III. ITEMS FOR DISCUSSION AND ACTION

1. Forum Organization and Business

- Board Ratification: Jack Cogswell, Treasurer (Action)
- Discussion of Forum Membership Structure and Fee Schedule.

-Clarification of Membership Status
-Proposed change in Fee Schedule (Action)
-Executive Committee Review (Action)

- Recommendation to Designate Executive Committee to represent Forum's interests in the Neighborhood Health Plan, Inc. (Action)

- Establishment of Nominating Structure for Officers and Directors.

2. Update on The Robert Wood Johnson Foundation/CPAHC Grant

- Management Committee Report - Initiative I (Dan Kiley)
- Management Committee Report - Initiative II (Jack Cogswell)

3. Update on Planning/Study Group Structure for 1987 Agenda

- Formation of Study Committee on Finance/Delivery of Health Care for the Poor
- Planning for Elderly Services

4. Other Business

- Status of Study Commission Activities
(Paula Griswold, Massachusetts Business Roundtable)



Greater Boston Forum for Health Action, Inc.

c/o Frank B. Hall & Co.
89 Broad Street
Boston, Massachusetts 02110
(617) 482-3100

REGULARLY SCHEDULED
BOARD OF DIRECTORS MEETING
1987

Thursday, January 22, 1987

Thursday, March, 19, 1987

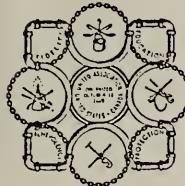
Thursday, May 21, 1987

Thursday, July 23, 1987

Thursday, September 24, 1987

Thursday, November 19, 1987

All meetings will begin at 8:30 a.m., and are held at the
Greater Boston Chamber of Commerce, 125 High St., Boston,
MA 02110, 9th Floor Conference Center



UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPE FITTING INDUSTRY

LOCAL UNION NO. 38

1621 MARKET STREET • SAN FRANCISCO, CALIF. 94103

November 1, 1986

Dear Sir & Brother:

For your information, I am enclosing a copy of the decision of the United States Court of Appeals for the Ninth Circuit in the case of Secretary of Labor Brock vs. Mazzola, et al, which I believe to be of special significance for all labor unions and pension trustees throughout the country. We believe the decision to be of the utmost importance because of the disposition of too many union-busting judges to interfere with the internal affairs of the unions. This decision in its own language recognizes "a Congressional concern that regulation of unions would lead to excessive interference in the internal affairs of unions."

This case arose under the following circumstances. In 1980 the Department of Labor brought an action against the Trustees of the U. A. Local 38 Pension Fund charging the Trustees with breach of their fiduciary duty by making real estate loans at below market rates. The case was assigned to a magistrate who conducted several days of hearings in which he heard oral testimony from the Management and Union Trustees as well as oral testimony from several experts. After reviewing the testimony, the magistrate concluded that while certain technical violations had occurred, these violations were not of such a nature so that any financial liabilities should be assessed on the Trustees.

From the outset of the case the Department of Labor stated that none of the actions of the Trustees were criminal nor self-serving nor was there any contention that any Trustee benefited personally by the real estate investments. To the contrary, the Department of Labor and the magistrate agreed that all Trustees, Labor and Management alike, acted in what they felt was the best interest of the membership and the pensioners.

The case was appealed by the Department of Labor to Federal Judge Weigel who, without any hearing or affording the Trustees their "day in court", accepted the position of the

Department of Labor and held that while the Trustees had not engaged in any actions that benefited them personally, nevertheless, they had violated their fiduciary duty and imposed severe personal financial liabilities on all of the Management and Labor Trustees.

The Trustees applied to Aetna Insurance Company for payment under their Errors and Omissions Policy but on technical grounds Aetna Insurance Company refused to honor its contract with U. A. Local 38 Pension Trustees. A lawsuit was instituted by Counsel Joseph Alioto on behalf of the Trustees against Aetna Insurance Company which is presently pending.

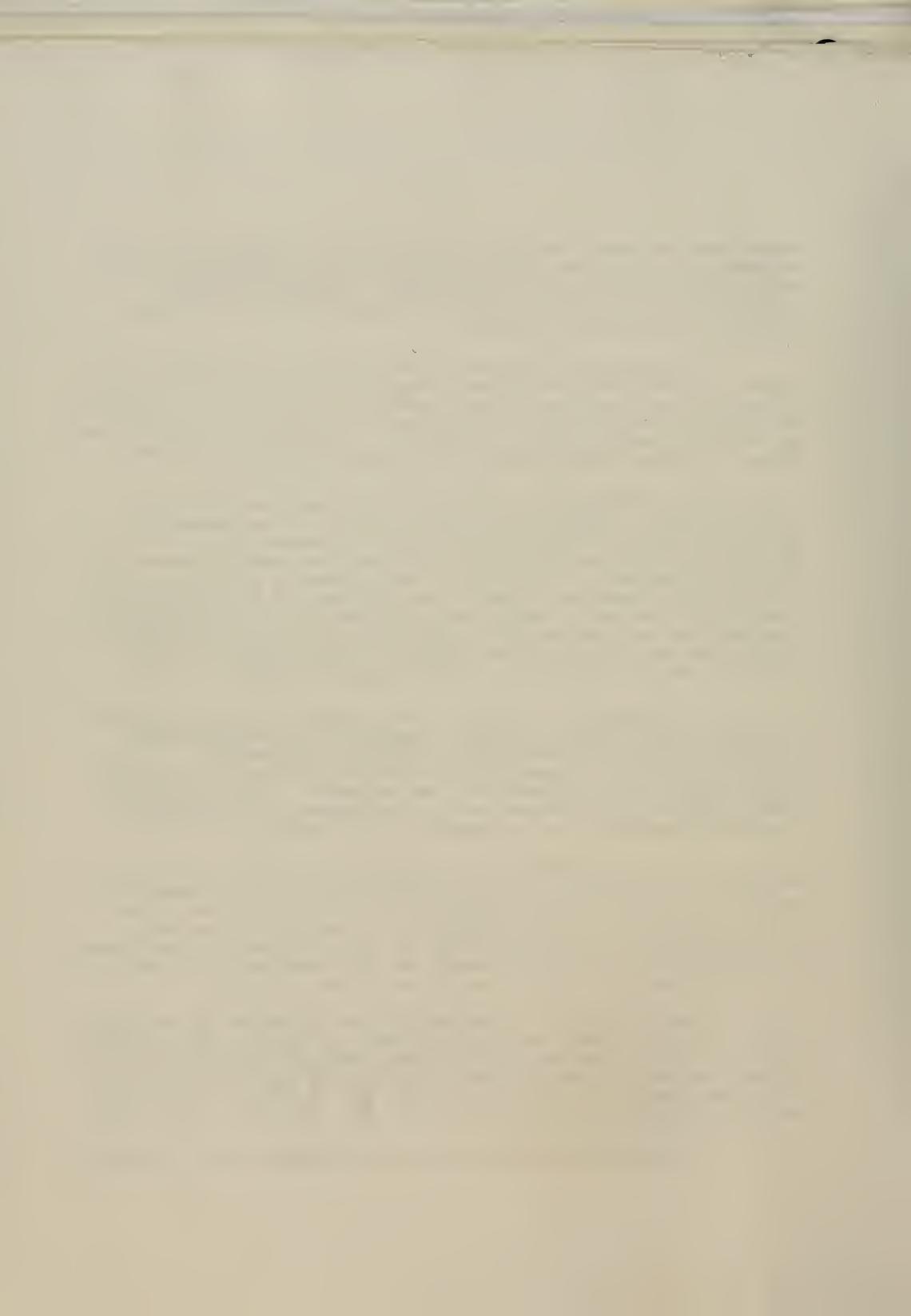
On November 19, 1984, I, as Business Manager of Local Union 38, addressed a letter to the entire membership informing them that the Executive Board recommended a Special Order of Business to be held at the regular membership meeting on December 5, 1984 for the purpose of hearing a report from the Business Manager and Officers on the restitution liabilities levied by Judge Weigel on the Labor and Management Trustees and to vote on the recommendation of the Executive Board that the Union pay the amount of such restitution liabilities levied by the Court on the Union Trustees.

On December 4, 1984, at the request of the Department of Labor, Judge Weigel issued a temporary restraining order barring the members from taking a secret vote on the Executive Board's recommendation offering financial assistance to the Local Union 38 Pension Fund Trustees. He also required that a copy of this injunction be presented to each member of the Union attending the December 5, 1984 meeting.

At the December 5, 1984 meeting at a Special Order of Business at which more than 700 members attended, a report was made as to Judge Weigel's decision and injunction and, after a full discussion by the membership, a resolution was introduced and passed unanimously that if Judge Weigel had not issued his injunction, it was the desire of the membership to vote to pay the financial liabilities of the Union Trustees.

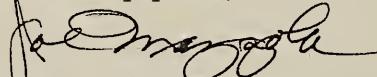
The decision of Judge Weigel was appealed by the Union and on July 10, 1986, the Circuit Court of Appeals for the Ninth Circuit reversed the decision of Judge Weigel and held that the injunction which prevented the Union paying any portion of the so-called restitution money was invalid. The Court overturned the injunction.

Along with the decision of the Circuit Court of Appeals,



I am enclosing a letter from our Counsel, Joseph Alioto, which underscores the importance of this decision not only for Local Union 38 but all labor unions throughout the country.

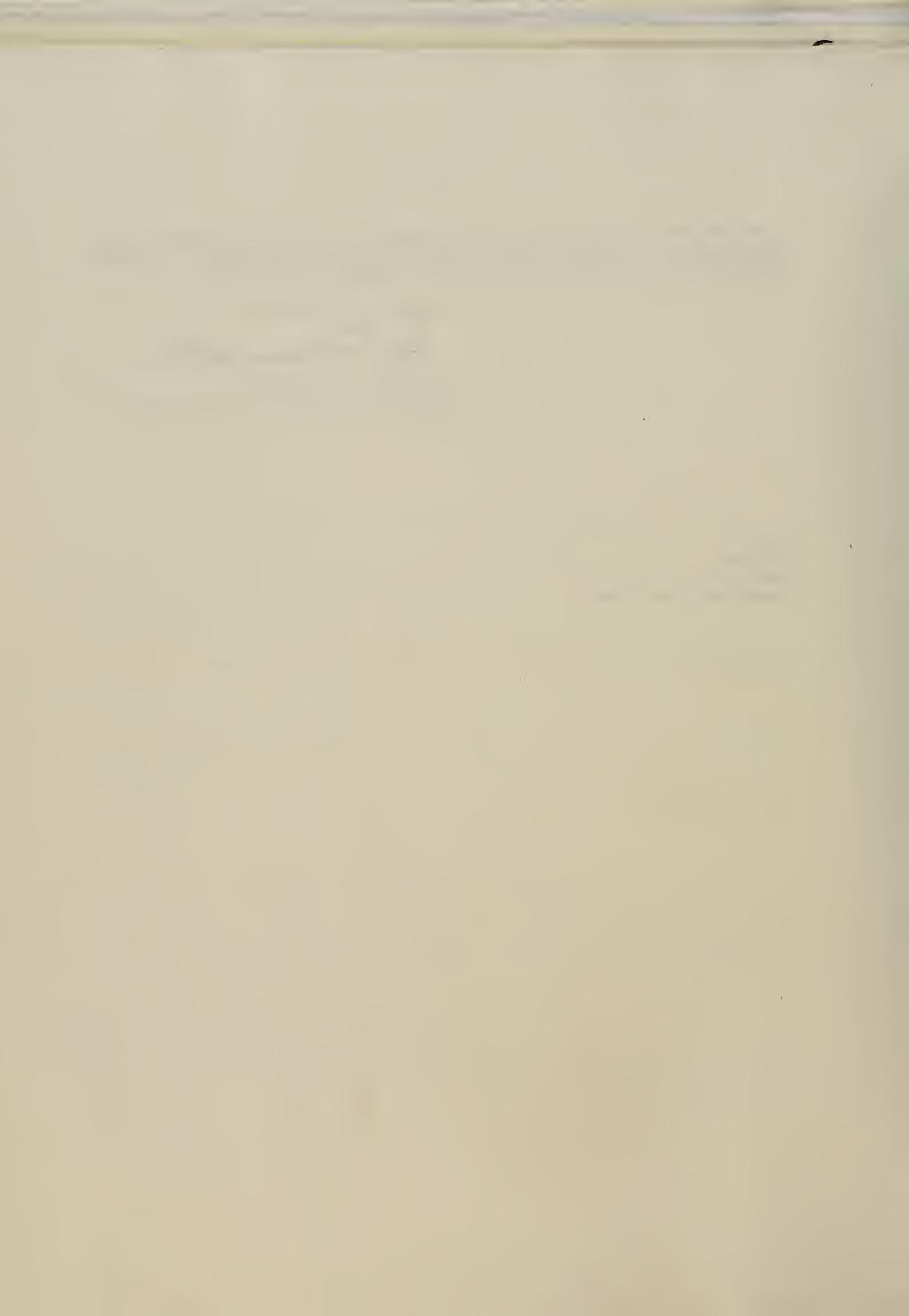
Fraternally yours,



JOSEPH P. MAZZOLA

Bus. Mgr. & Fin. Secty-Treas.

JPM/gr
Encls.
ope-3-afl-cio (19)



Alioto & Alioto
650 California Street
Twenty Third Floor
San Francisco, California 94108
(415) 434-2100

July 14, 1986

Mr. Joseph P. Mazzola
Local 38
1621 Market Street
San Francisco, CA 94103

Dear Joe:

On Thursday, July 10, 1986, we won a victory in the Court of Appeals for the Ninth Circuit which is significant not only for you but for all labor unions and pension trusts in the country. A unanimous court reversed Judge Weigel's injunction which prohibited the union from paying any portion of the so-called restitution money.

The Court in substance told Judge Weigel to quit interfering in the internal affairs of the union. It went on to hold that only an aggrieved beneficiary could bring an action of this type. The Court said specifically that Judge Weigel "effectively circumvented the Congressional command that only union plaintiffs have standing to bring actions to redress or prevent Landrum-Griffin violations." It rejected the notion that the general equitable power of the Federal Court could be used to interfere in the internal decisions of the union regarding redress of Landrum-Griffin violations.

This is an important decision because of the disposition of too many union-busting judges (we still have some) to interfere with the internal affairs of the union. This decision in its own language recognizes "a Congressional concern that regulation of unions would lead to excessive governmental intervention with the internal affairs of unions."

Until it is published, which should be very shortly, you should refer to this opinion as *William E. Brock, Secretary of Labor v. Joseph P. Mazzola, et al.* July 10, 1986, United States Court of Appeals, Ninth Circuit, No. 85-1687.

Mr. Joseph P. Mazzola
July 14, 1986
Page Two

Congratulations to you for being one labor leader who doesn't get cowed by government power whether it is City, State or Federal Government. In this and the companion contempt hearing, as well as in your refusal to sign a no strike pledge for the City of San Francisco, you have demonstrated that you belong in the very best traditions of militant labor leadership.

Very truly yours,



JOSEPH L. ALIOTO

JLA:alh

COUNTER

FILED

1 FOR PUBLICATION

2 UNITED STATES COURT OF APPEALS

3 FOR THE NINTH CIRCUIT

JUL 10 1986

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

5 WILLIAM E. BROCK, Secretary,)
6 U.S. Department of Labor,)
7 Plaintiff-Appellee,) No. 85-1687
8) D.C. No. CV 79-0134-SAW
9)
10 v.) O P I N I O N
11 JOSEPH P. MAZZOLA,)
ROBERT E. BUCKLEY,)
ROBERT J. COSTELLO, et al.,)
12 Defendants-Appellants.)
13)
14)
15)

Appeal from the United States District Court
for the Northern District of California
The Honorable Stanley A. Weigel, District Judge, Presiding
Argued and Submitted March 11, 1986
San Francisco, California

16 Before: GOODWIN, NORRIS, and BRUNETTI, Circuit Judges

17 NORRIS, Circuit Judge:

18
19 This appeal arises out of an action brought by the
20 Secretary of Labor charging trustees of the Pension Fund of Local
21 38 of the United Association of Journeymen and Apprentices of the
22 Plumbing and Pipefitting Industry (the "Fund") with breach of
23 fiduciary duty under the Employee Retirement Income Security Act
24 of 1974 (ERISA), 29 U.S.C. §§ 1001-1461.¹ Judgment was

25 1 The Fund is an "employee benefit plan," 29 U.S.C. § 1002(3),
26 and is therefore covered by the fiduciary standards of ERISA.

1 entered against the trustees ordering them to make good to the
2 Fund for losses resulting from the breach of fiduciary duty in
3 making loans at below-market rates. See Donovan v. Mazzola, 761
4 F.2d 1411 (9th Cir. 1985); Donovan v. Mazzola, 716 F.2d 1226 (9th
5 Cir. 1983), cert. denied, 464 U.S. 1040 (1984).

6

7 After judgment was entered, appellant Joseph P. Mazzola,
8 who was business manager and treasurer of Local 38 as well as one
9 of the trustees ordered to make restitution to the Fund, wrote a
10 letter to union members advising them that he would make a report
11 at an upcoming membership meeting on the "restitution liabilities
12 levied by Judge Weigel on the . . . Trustees." The letter went on
13 to say:

14

15 The Executive Board is recommending that the Union pay
16 the amount of such restitution liabilities levied by the
17 court on the labor Trustees, excluding legal fees. The
18 amount of the restitution liabilities of the labor
19 Trustees could run into hundreds of thousands of dollars
as you will hear in the report. The Executive Board
also recommends that there be no dues increase or
special assessment as a result of this action. A secret
ballot vote will be taken on this recommendation.

20

21 When a copy of the Mazzola letter was sent anonymously
22 to Judge Weigel, the district judge presiding over the ERISA
23 action, the Secretary requested an injunction prohibiting the
24 trustees from receiving reimbursement from their union for their
25 ERISA liabilities. Following a show-cause hearing, Judge Weigel
26 enjoined the trustees "from receiving any reimbursement, either

1 direct or indirect, of any expense incurred by them in connection
2 with this lawsuit, including any amounts paid by them as
3 ;
4 restitution for their breaches of fiduciary obligations . . .
5 from any labor organization subject to the Labor-Management
6 Reporting and Disclosure Act of 1959² Judge Weigel
7 explained his rationale for issuing the injunction as follows:

8 Because said conduct did not benefit any sponsoring
9 labor organization, any reimbursement to defendant
10 trustees for the judgment of restitution by any labor
11 organization subject to the Labor-Management Reporting
12 and Disclosure Act of 1959, whether or not such
13 reimbursement were authorized by the general membership
14 of such organization, would violate the provisions of §
15 501(a) of that Act. See Morrissey v. Segal, 526 F.2d
16 121, 126-27 (2d Cir. 1975); Kerr v. Shanks, 466 F.2d
17 1271, 1277 (9th Cir. 1972). The Court therefore
18 exercises its equitable power to prevent defendants from
19 violating federal law in the course of satisfying the
20 Court's judgment of restitution. See United States v.
21 Coca-Cola Bottling Co., 575 F.2d 222, 278 (9th Cir.),
22 cert. denied, 439 U.S. 959 (1978); see also Federal
23 Trade Comm'n v. Ruberoid, 343 U.S. 476, 473 (1952).

24 We have jurisdiction to hear the trustees' timely appeal of the
25 injunction under 28 U.S.C. § 1292(a)(1) (1982).

26 The trustees contend on appeal that the district court
27 exceeded its jurisdiction under ERISA by granting relief against
28 threatened violations of the Labor-Management Reporting and
29 Disclosure Act of 1959, 29 U.S.C. § 153, 158-60, 164, 186, 187,
30 401-531 (1982) (popularly known as the Landrum-Griffin Act).

2 The trustees were also enjoined from receiving reimbursement
3 from any fund subject to ERISA. The trustees do not appeal this
4 aspect of the injunction.

1 While they do not question the Secretary's standing to bring an
2 action to redress breaches of fiduciary duty under ERISA (see
3 section 502(a)(2), (5), 29 U.S.C. § 1132(a)(2), (5)), they assert
4 that the Secretary has no standing to bring an action to redress
5 violations of the Landrum-Griffin Act. The trustees rely upon
6 section 501(b) of Landrum-Griffin, which explicitly provides that
7 only union members have standing to sue if the union itself fails
8 to bring an action after being requested to do so. Thus the
9 thrust of the trustees' case on appeal is that the district court,
10 in granting the Secretary's request for an injunction to prohibit
11 violations of the Landrum-Griffin Act, contravened the will of
12 Congress that only aggrieved union members may seek relief to
13 redress or prevent violations of Landrum-Griffin.

14
15 The Secretary defends the injunction on the basis of the
16 district court's broad equitable powers to redress breaches of
17 fiduciary duty under ERISA. As its caption implies, section
18 409(a) establishes "Liability for Breach of Fiduciary Duty."
19 Specifically, it provides that:

20
21 Any person who is a fiduciary with respect to a plan who
22 breaches any of the responsibilities, obligations, or duties
23 imposed upon fiduciaries by this subchapter shall be
24 personally liable to make good to such plan any losses to the
25 plan resulting from each such breach, and to restore to such
26 plan any profits of such fiduciary which have been made
through use of assets of the plan by the fiduciary, and shall
be subject to such other equitable or remedial relief as the
court may deem appropriate, including removal of such
fiduciary. . . .

1 29 U.S.C. § 1109(a) (1982). The Secretary argues that the
2 language of section 409(a) making errant fiduciaries subject to
3 "such other equitable or remedial relief as the court may deem
4 appropriate" is broad enough to support an injunction prohibiting
5 ERISA fiduciaries from receiving money from a union in violation
6 of the Landrum-Griffin Act. Thus the question we must decide is
7 whether a district court exercising jurisdiction under ERISA may
8 enjoin violations of the Landrum-Griffin Act notwithstanding the
9 absence of a union plaintiff.³

10

11 Section 501(a) of the Landrum-Griffin Act makes union
12 officials fiduciaries in the management of union assets.⁴ Section
13 501(b) creates liability for breach of fiduciary duty.

14

15 ³ Because the appeal raises a pure question of law, the
16 injunction is reviewed *de novo*, rather than for abuse of
17 discretion. United States v. State of Oregon, 718 F.2d 299, 303
n.5 (9th Cir. 1983).

18 ⁴ Section 501(a) provides in pertinent part:

19 The . . . representatives of a labor organization occupy
20 positions of trust in relation to such organization and its
21 members as a group. It is, therefore, the duty of each such
22 person, . . . to hold its money and property solely for the
23 benefit of the organization and its members and to manage, invest,
24 and expend the same in accordance with its constitution and bylaws
25 and any resolutions of the governing bodies adopted thereunder, to
26 refrain from dealing with such organization as an adverse party or
in behalf of an adverse party in any matter connected with his
duties and from holding or acquiring any pecuniary or personal
interest which conflicts with the interests of such organization.
. . . A general exculpatory provision in the constitution and
bylaws of such a labor organization or a general exculpatory
resolution of a governing body purporting to relieve any such
person of liability for breach of the duties declared by this
section shall be void as against public policy.

1 Specifically, it provides:

2 When any . . . representative of any labor
3 organization is alleged to have violated the duties
4 declared in subsection (a) of this section and the
5 labor organization or its governing board or
6 officers refuse or fail to sue or recover damages
7 or secure an accounting or other appropriate relief
8 within a reasonable time after being requested to
9 do so by any member of the labor organization, such
10 member may sue such . . . representative in any
district court of the United States or in any State
court of competent jurisdiction to recover damages
or secure an accounting or other appropriate relief
for the benefit of the labor organization. No such
proceeding shall be brought except upon leave of
the court obtained upon verified application and
for good cause shown, which application may be made
ex parte. . .

11 29 U.S.C. § 501(b) (1982).

12
13 There is no disagreement that a union plaintiff is a
14 condition precedent to an action brought under section 501(b) of
15 the Landrum-Griffin Act.⁵ Our court has so held. Horner v.

16
17 5 The Secretary of Labor accepts this interpretation of the
18 Landrum-Griffin Act. Earlier in these proceedings against
19 appellants for breach of their fiduciary duties under ERISA, in
20 response to an inquiry from Judge Weigel whether the trustees
could be reimbursed by the union for contempt fines levied against
them for failure to comply with the court order directing them to
make restitution to the Pension Fund, the Secretary declared:

21
22 Section 501(b) of the LMRDA expressly provides
23 that, under appropriate circumstances, a union
24 member can file suit for appropriate relief with
25 respect to a violation of section 501(a). No
mention is made in that section of any right to sue
by the Secretary, and the Department of Labor has
taken the position that it may not maintain a cause
of action to redress violations of section 501(a);
that right is vested exclusively in aggrieved union
members.

1 Perron, 362 F.2d 224, 229 (9th Cir.), cert. denied, 385 U.S. 958
2 (1966). Section 501(b), in denying non-union plaintiffs standing
3 to sue, reflects a Congressional concern that regulation of unions
4 could lead to excessive governmental intervention in the internal
5 affairs of unions. This concern was clearly expressed in the
6 Senate Committee Report on the Landrum-Griffin Bill as follows:

7

8 In action on this bill the committee followed these
9 principles:

10 1. The committee recognized the desirability
11 of minimum interference by Government in the
12 internal affairs of any private organization.
13 Trade unions have made a commendable effort to
14 correct internal abuses; hence the committee
15 believes that only essential standards should be
16 imposed by legislation. Moreover, in establishing
17 and enforcing statutory standards great care should
18 be taken not to undermine union self-government or
19 weaken unions in their role as collective-
20 bargaining agents.

21 Letter from Norman P. Goldberg to Judge Weigel (October 24, 1983).

22 Later, at the preliminary injunction hearing before Judge
23 Weigel, the Secretary articulated his legal theory that,
24 notwithstanding his lack of standing to bring an action to
25 redress violations of section 501(a) of Landrum-Griffin, he had
26 standing under ERISA to seek an injunction prohibiting the errant
trustees from receiving union money in reimbursement for their
liabilities to the Pension Fund. He stated:

27 We would not be able to come into this court to
28 file an independent lawsuit in the name of the
29 Secretary of Labor seeking to enjoin conduct under
30 501(a). We are seeking that as an auxiliary
31 proceeding in the context of the existing lawsuit
32 which we do have standing to bring under ERISA.⁶

33 6 Reporter's Transcript at 12.

1
2 S. Rep. No. 187, 86th Cong., 1st Sess., reprinted in 1959 U.S.
3 Code Cong. & Ad. News 2323 (emphasis added). Thus while Congress
4 made union representatives liable for breaches of duty, Congress
5 limited the opportunities for judicial intervention in the
6 internal affairs of unions by confining the exercise of judicial
7 power to actions brought by union plaintiffs. Evidently Congress
8 was concerned that if non-union plaintiffs had standing to sue
9 under section 501, unions and their leaders would be vulnerable to
10 harassment by outsiders motivated by considerations other than the
11 welfare of the union and its members.

12
13 In enjoining violations of the Landrum-Griffin Act in
14 this ERISA action, the district court effectively circumvented the
15 Congressional command that only union plaintiffs have standing to
16 bring actions to redress or prevent Landrum-Griffin violations.
17 We cannot agree with the Secretary that section 409(a) of ERISA,
18 which grants district courts equitable power to fashion
19 appropriate relief for violations of ERISA, manifests a
20 Congressional intent to override the specific standing
21 requirements of section 501(b) of the Landrum-Griffin Act. In
22 defending the district court's use of the equitable powers granted
23 by ERISA to prevent violations of the Landrum-Griffin Act, the
24 Secretary invites us to interpret ERISA in a way that would give
25 the Secretary standing to seek redress of violations of the
Landrum-Griffin Act, which Congress pointedly chose not to do.

1 Thus we hold that a district court cannot enjoin violations of the
2 Landrum-Griffin Act in an ERISA action brought by the Secretary of
3 Labor.⁶

4

5 We find support for our interpretation of ERISA in
6 Massachusetts Life Ins. Co. v. Russell, 105 S. Ct. 3085, 3090
7 (1985). In Massachusetts Life, the Supreme Court held that under
8 ERISA a fiduciary to an employee benefit plan could not be held
9 personally liable to a plan beneficiary for extra-contractual
10 damages such as damages for emotional distress or punitive
11 damages. The Court rejected the argument that section 409(a) of
12 ERISA, in providing for "such other equitable or remedial relief
13 as the court may deem appropriate," gave courts wide discretion to
14 award extra-contractual damages. A fair reading of ERISA, the
15 Court reasoned, indicated that Congress intended to authorize only
16 "plan-related" statutory relief. Id. at 3091. The Court said:

17

18 A fair contextual reading of [ERISA] makes it
19 abundantly clear that its draftsmen were
20 primarily concerned with the possible misuse
of plan assets, and with remedies that would
protect the entire plan, rather than with the
rights of an individual beneficiary.

21

22 Id. at 3090. Similarly, the concerns animating ERISA -- possible
23 misuse of the assets of employee benefit plans -- are obviously

24

25

26

6 It is unnecessary for us to decide in this appeal whether
union reimbursement of the trustees for their ERISA liabilities
would constitute a violation of section 501(a) of the Landrum-
Griffin Act.

1 different from the concerns animating the Landrum-Griffin Act --
2 possible misuse of union assets. An injunction in an ERISA case
3 prohibiting threatened violations of Landrum-Griffin is thus no
4 more plan-related than the extra-contractual ERISA damages
5 rejected in Massachusetts Life. Congress expressly provided for
6 Landrum-Griffin remedies in that statute, and limited those
7 remedies to actions brought by union plaintiffs.⁷

8
9 Both the district court and the Secretary rely on United
10 States v. Coca-Cola Bottling Co., 575 F.2d 222, 228 (9th Cir.),
11 cert. denied, 439 U.S. 959 (1978), and PTC v. Rubercid, 343 U.S.
12 470, 473 (1952). Such reliance is misplaced. Those cases were
13 brought under the antitrust laws and dealt with equitable relief
14 fashioned to serve the purposes of the antitrust laws.⁸ In
15 contrast, the instant case involves equitable relief fashioned in
16 an ERISA case to serve the purposes of a different statute, one
17 which narrowly restricts the class of plaintiffs with standing to

18
19 7 We express no opinion on the question whether fiduciaries
20 could be enjoined in an ERISA action from receiving reimbursement
21 for ERISA liabilities from any source whatsoever, whether from
22 insurance, a union, or in the case of ERISA fiduciaries
23 representing employers, from their corporations. The question
24 whether the purposes of ERISA would be served by requiring
trustees to pay their ERISA liabilities out of their own pockets
is not before us. The district court found only that the
injunction would serve the purposes of Landrum-Griffin, not of
ERISA. Thus the scope of our holding is limited to injunctions
that prohibit union reimbursement for ERISA liabilities in
violation of the Landrum-Griffin Act.

25
26 8 Presumably, under the Secretary's interpretation, an ERISA
plaintiff can seek equitable remedies for antitrust violations
despite lack of antitrust standing.

1 sue. Further, in Coca-Cola Bottling, our court quoted Porter v.
2 Warner Holding Co., 328 U.S. 395, 398 (1946), as follows: "[T]he
3 comprehensiveness of this equitable jurisdiction is not to be
4 denied or limited in the absence of a clear and valid legislative
5 command." Section 501(b) of the Landrum-Griffin Act provides such
6 "a clear and valid legislative command" -- that only union
7 plaintiffs may bring actions to redress violations of that
8 statute.⁹

9
10 To the extent that it prohibits the trustees from
11 receiving reimbursement for their ERISA liabilities "from any
12 labor organization subject to the Labor-Management Reporting and
13 Disclosure Act of 1959", the injunction is VACATED.

14
15
16
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21
22 ⁹ We reject the Secretary's argument that the trustees are
23 estopped from appealing the injunction prohibiting union
24 reimbursement for their ERISA liabilities because of the trustees'
25 failure to appeal a prior order prohibiting union reimbursement
26 for their legal fees in defending the action. Failure to appeal
the order prohibiting reimbursement for legal fees plainly does
not effect a waiver of their right to appeal the injunction
prohibiting reimbursement for their ERISA liabilities.

